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as at 10 July 2026

Conservation Act 1987

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Department of Conservation.

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An Act to promote the conservation of New Zealand's natural and historic resources, and for that purpose to establish a Department of Conservation

Part 1
Preliminary

1 Short Title and commencement

(1) This Act may be cited as the Conservation Act 1987.

(2) This Act shall come into force on 1 April 1987.

2 Interpretation

(1) In this Act, unless the context otherwise requires,—

activity includes a trade, business, or occupation

aircraft has the same meaning as in the Civil Aviation Act 2023

amend, in relation to any conservation management strategy, conservation management plan, freshwater fisheries management plan, or sports fish and game management plan, means any change that does not affect the objectives of the strategy or plan

Anglers Notice means a notice made under section 26R

animal means any member of the animal kingdom other than a human being

animal product means any part of any animal, or any dead animal or part of any dead animal; and includes the nest, excrement, secretion, semen, egg, or foetus, of any animal or dead animal

aquatic life means any species of plant or animal life (except birds) that must, at any time of the life history of the species, inhabit freshwater; and includes any part of any such plant or animal

bed means—

(a) in relation to any river, the space of land which the waters of the river cover at its fullest flow without overtopping the banks; and

(b) in relation to a lake, the space of land which the waters of the lake cover at its highest level without exceeding its physical margin

certified aerodrome means an aerodrome certificated under rules made under the Civil Aviation Act 2023

common marine and coastal area has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

companion dog means a dog certified by the Top Dog Companion Trust as being a companion dog or a dog under training as a companion dog

concession or **concession document**—

(a) means—

(i) a lease; or

(ii) a licence; or

(iii) a permit; or

(iv) an easement—

granted under Part 3B; and

(b) includes any activity authorised by the concession document

concessionaire means a person who is—

(a) a lessee; or

(b) a licensee; or

(c) a permit holder; or

(d) the grantee of an easement—

under Part 3B

conservation means the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations

conservation area means any land or foreshore that is—

(a) land or foreshore for the time being held under this Act for conservation purposes; or

(b) land in respect of which an interest is held under this Act for conservation purposes

Conservation Board or **Board** means a Conservation Board established under section 6L

conservation management plan means a conservation management plan approved under section 14E of the Wildlife Act 1953, section 8 of the Marine Reserves Act 1971, section 40B of the Reserves Act 1977, section 3D of the Marine Mammals Protection Act 1978, or section 17G of this Act

conservation management strategy means a conservation management strategy approved under section 17F

contaminant has the same meaning as it has in the Resource Management Act 1991

controlled dog area means any area declared, by notice published under section 26ZS, to be a controlled dog area

Crown land has the same meaning as in the Land Act 1948

customary marine title area has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

day means a period of 24 hours beginning at midnight and ending with the following midnight

declared spawning area means an area declared under section 26ZJA

Department means the Department of Conservation

Deputy Director-General means a Deputy Director-General of Conservation

Director means the manager of the New Zealand Fish and Game Council

Director-General means the Director-General of Conservation

effect has the same meaning as it has in section 3 of the Resource Management Act 1991

Fish and Game Council means a Fish and Game Council established under section 26P

fish and game ranger means a fish and game ranger appointed pursuant to section 26FA or deemed to be appointed under that section

fishery means 1 or more stocks or parts of stocks or 1 or more species of freshwater fish or aquatic life that can be treated as a unit for the purposes of conservation or management

fishery officer means any officer specified as such in section 76 of the Fisheries Act 1983

fishing—

(a) means the catching, taking, or harvesting of freshwater fish; and

(b) includes—

(i) any other activity that may reasonably be expected to result in the catching, taking, or harvesting of freshwater fish:

(ii) any attempt to catch, take, or harvest freshwater fish:

(iii) any operation in support of, or in preparation for, any activity described in this definition

foreshore means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at mean spring tides

former Act means the Land Act 1948 or the Forests Act 1949; and includes any enactment repealed by a former Act

freshwater means—

(a) all waters of rivers, streams, lakes, ponds, lagoons, wetlands, impoundments, canals, channels, watercourses, or other bodies of water whether naturally occurring or artificially made:

(b) all waters of estuaries or coastal lagoons:

(c) all other fresh or estuarine waters where freshwater fish indigenous to or introduced into New Zealand are found:

(d) all waters in the mouth of every river or stream, and the mouth of every river and stream shall be deemed to include every outlet thereof and the seashore between those outlets and the waters of the sea or lying within a distance of 500 metres from any place where at low tide the waters of a river or stream meet the waters of the sea

freshwater fish means—

(a) all species of Anguillidae *Anguilla*, Cyprinidae, Eleotridae *Gobiomorphus*, Galaxiidae, Ictaluridae, Percidae, Poeciliidae, Retropinnidae, and Salmonidae:

(b) all species of *Echyridella*:

(c) all species of *Paranephrops*:

(d) Cheimarrichthyidae *Cheimarrichthys fosteri*:

(e) Geotridae *Geotria australis*:

(f) Gobiidae *Acentrogobius pflaumii*:

(g) Microdesmidae *Parioglossus marginalis*

freshwater fisheries management plan means a freshwater fisheries management plan approved under section 17K

game has the same meaning as in the Wildlife Act 1953

game bird habitat stamp means a stamp in a form approved under section 19A of the Wildlife Act 1953

game hunting guide has the same meaning as in the Wildlife Act 1953

guide dog means a dog certified by the Royal New Zealand Foundation of the Blind as being a guide dog or a dog under training as a guide dog

historic resource means a historic place within the meaning of the Heritage New Zealand Pouhere Taonga Act 2014; and includes any interest in a historic resource

hunting weapon means a weapon within the meaning of the Trespass Act 1980

indigenous freshwater fish means any freshwater fish that is indigenous to New Zealand

infringement fee, in relation to an infringement offence, means the infringement fee for the offence prescribed in regulations made under this Act

infringement offence means—

(a) an offence in subpart 1 of Part 6A; or

(b) an offence against regulations made under this Act that is declared by regulations to be an infringement offence

interest, in relation to any land, includes an estate in, and a right over or in respect of, the land; but does not include any right under or in respect of any covenant registered against land

lake means a body of fresh water whose bed has an area of 8 hectares or more and which is entirely or nearly surrounded by land

lease—

(a) means—

(i) a grant of an interest in land that—

(A) gives exclusive possession of the land; and

(B) makes provision for any activity on the land that the lessee is permitted to carry out:

(ii) any document purporting to be a lease (whether or not the document gives the lessee exclusive possession of the land concerned) and issued under any former Act:

(iii) any document purporting to be a lease (whether or not the document gives the lessee exclusive possession of the land concerned) and purporting to be issued under this Act before the commencement of section 2(2) of the Conservation Amendment Act 1996; but

(b) does not include a licence referred to in paragraph (b)(ii) of the definition of the term licence;—

and **lessee** has a corresponding meaning

licence—

(a) means—

(i) a *profit à prendre* or any other grant that gives a non-exclusive interest in land; or

(ii) a grant that makes provision for any activity on the land that the licensee is permitted to carry out; and

(b) includes—

(i) any document purporting to be a licence (whether or not the licence gives an interest, or makes any provision, referred to in paragraph (a)) and issued under any former Act; and

(ii) any document purporting to be a licence and purporting to grant an exclusive interest in land, and issued under any former Act or issued under this Act before the commencement of section 2(2) of the Conservation Amendment Act 1996; and

(iii) any document purporting to be a licence (whether or not the licence gives an interest, or makes any provision, referred to in

paragraph (a)) and issued under this Act before the commencement of the said section 2(2);—

and **licensee** has a corresponding meaning

livestock means any ass, cattle, or other browsing animal (not being a deer or goat or a marine mammal, fish, or shellfish), horse, mule, sheep, or swine, of whatever age or sex and whether or not neutered; and includes any animal, of whatever age or sex and whether or not neutered, of a class declared to be livestock for the purposes of this Act by the Governor-General by Order in Council (*see* subsection (4))

manawhenua means customary authority exercised by an iwi or hapu or individual in an identified area

Maori has the same meaning as in Te Ture Whenua Maori Act 1993

Maori land has the same meaning as in Te Ture Whenua Maori Act 1993

marginal strip means any strip of land reserved or deemed to be reserved by section 24 or section 24E(3) or section 24G for the purposes specified in section 24C; and includes any part of any such strip

Minister means the Minister of Conservation

national park means a national park constituted under the National Parks Act 1980

natural resources means—

(a) plants and animals of all kinds; and

(b) the air, water, and soil in or on which any plant or animal lives or may live; and

(c) landscape and landform; and

(d) geological features; and

(e) systems of interacting living organisms, and their environment;—

and includes any interest in a natural resource

nature conservation means the preservation and protection of the natural resources of New Zealand, having regard to their intrinsic values and having special regard to indigenous flora and fauna, natural ecosystems, and landscape

New Zealand Conservation Authority or **Conservation Authority** or **Authority** means the New Zealand Conservation Authority established under section 6A

New Zealand Fish and Game Council means the New Zealand Fish and Game Council established under section 26B

Nga Whenua Rahui kawenata means an agreement entered into under section 27A

open dog area means any area declared, by notice published under section 26ZS, to be an open dog area

operational work plan means an annual operational work plan having effect under section 26Q(3)

owner, in relation to any dog, means every person who—

(a) owns the dog; or

(b) has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or

(c) the parent or guardian of a person under the age of 16 years who—

(i) is the owner of the dog pursuant to paragraph (a) or paragraph (b); and

(ii) is a member of the parent's or guardian's household living with and dependent on the parent or guardian;—

but does not include any person who has seized or taken custody of the dog under this Act or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Dog Control Act 1996 or any order made under the Dog Control Act 1996 or the Animal Welfare Act 1999

permit in relation to Part 3B,—

(a) means a grant of rights to undertake an activity that does not require an interest in land; and

(b) includes any authorisation or licence granted before the date of commencement of this definition that granted similar rights; and—

permit holder has a corresponding meaning

planning document has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

plant means any member of the plant kingdom; and includes any alga, bacterium, or fungus, and any part of or seed or spore from any plant

preservation, in relation to a resource, means the maintenance, so far as is practicable, of its intrinsic values

private land means any land that—

(a) is Maori land within the meaning of Te Ture Whenua Maori Act 1993; or

(b) has been alienated from the Crown

protected wildlife means—

(a) any animal for the time being absolutely protected pursuant to section 3 of the Wildlife Act 1953:

(b) any animal for the time being partially protected pursuant to section 5 of the Wildlife Act 1953, other than such an animal in circumstances

in which that animal may be hunted or killed under the authority of subsection (2) of that section:

(c) any animal that is a marine mammal within the meaning of the Marine Mammals Protection Act 1978

protected wildlife vulnerable to dogs means—

(a) any flightless protected wildlife:

(b) any limited-flight protected wildlife:

(c) any protected wildlife that nests (including moulting or breeding), or roosts, upon or in close proximity to the ground:

(d) any protected wildlife that feeds upon or in close proximity to the ground:

(e) any animal that is a marine mammal within the meaning of the Marine Mammals Protection Act 1978

protection, in relation to a resource, means its maintenance, so far as is practicable, in its current state; but includes—

(a) its restoration to some former state; and

(b) its augmentation, enhancement, or expansion

Ramsar Administrative Authority means the administering agency that is the Ramsar Administrative Authority for New Zealand, as from time to time advised by the Government of New Zealand to the Ramsar Secretariat

Ramsar Secretariat means the body responsible for co-ordination of the Convention on Wetlands of International Importance especially as Waterfowl Habitat, done at Ramsar on 2 February 1971

review, in relation to any conservation management strategy or management plan, means to consider all objectives and policies of those provisions under review and to approve a new strategy or plan, having regard to increased knowledge or changed circumstances; and, for the purposes of this definition, an **objective** is a statement of intent from which a policy is derived

sale includes every method of disposition for valuable consideration, including barter; and includes the disposition to an agent for sale on consignment; and also includes offering or attempting to sell, or receiving or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or exposed for sale; and also includes disposal by way of gambling; and **sell** and **sold** have corresponding meanings

ship means a ship, boat, hovercraft, raft, or vessel of any other description used, or designed to be used, in navigation

sports fish means every species of freshwater fish that the Governor-General may declare, by Order in Council, to be sports fish for the purposes of this Act; and any such Order in Council may be expressed to apply to freshwater fish in any specified freshwater or other waters (*see* subsections (3) and (4))

sports fish and game management plan means a sports fish and game management plan approved under section 17M

sports fishing guide means a person whose services are actively promoted or advertised for hire or reward with the express purpose of organising and assisting persons to fish for sports fish

State forest land means land that—

(a) was, immediately before the commencement of this Act, State forest land within the meaning of the Forests Act 1949; and

(b) has not been vested in a State enterprise under the State-Owned Enterprises Act 1986; and

(c) is not a conservation area

stewardship area means a conservation area that is not—

(a) a marginal strip; or

(b) a watercourse area; or

(c) land held under this Act for 1 or more of the purposes described in section 18(1); or

(d) land in respect of which an interest is held under this Act for 1 or more of the purposes described in section 18(1)

taking—

(a) in relation to any plant, includes the breaking, cutting, destroying, digging up, gathering, plucking, pulling up, and removing, of the plant; and **to take** has a corresponding meaning:

(b) in relation to any fish, means fishing; and **takes** and **to take** have a corresponding meaning

Taupo Fishery means the fishery to which section 14 of the Maori Land Amendment and Maori Land Claims Adjustment Act 1926 relates

Treaty settlement legislation means an Act that settles the historical claims of iwi or other Māori groups under the Treaty of Waitangi and includes any secondary legislation made under that Act

vehicle has the same meaning as in the Land Transport Act 1998; but includes any vehicle from which any wheels have been removed

warranted officer means a person—

(a) who—

(i) is a warranted officer appointed under section 59; or

(ii) is a person deemed by section 59(2) or section 59(9) to be a warranted officer for the purposes of this Act; and

(b) is acting on or in respect of any matter or thing arising, situated, or formerly situated in the district, area, or areas for which the person is appointed or is deemed to be a warranted officer

watercourse area means land for the time being declared to be such an area under section 23

wild animal has the same meaning as in section 2 of the Wild Animal Control Act 1977; but does not include any animal product derived from a wild animal

wildlife has the same meaning as it has in the Wildlife Act 1953

working day means a day of the week other than—

(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and

(b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and

(c) a day in the period commencing on 20 December in any year and ending with 10 January in the following year.

(2) In this Act, unless the context otherwise requires, **conservation park**, **ecological area**, **sanctuary area**, or **wilderness area**, mean an area held for ecological, park, sanctuary, or wilderness purposes under section 18AA(1) or 18(1).

(3) For the purposes of this Act, the Governor-General may from time to time, by Order in Council, declare any species to be included in or excluded from the definitions of the terms aquatic life, freshwater fish, or sports fish in subsection (1); and any such declaration may be expressed to apply to any species in any specified areas or waters, or generally throughout New Zealand.

(4) The following are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements):

(a) an order under the definition of livestock in subsection (1); and

(b) an order under subsection (3).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 2(1) **activity**: inserted, on 13 March 1996, by section 2(4) of the Conservation Amendment Act 1996 (1996 No 1).

Section 2(1) **aircraft**: amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 2(1) **amend**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **Anglers Notice**: inserted, on 13 March 1996, by section 2(3) of the Conservation Amendment Act 1996 (1996 No 1).

Section 2(1) **Anglers Notice**: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 2(1) **aquatic life**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **bed**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **certified aerodrome**: replaced, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 2(1) **common marine and coastal area**: inserted, on 1 April 2011, by section 128 of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Section 2(1) **companion dog**: inserted, on 2 May 1996, by section 2(1) of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

Section 2(1) **concession** or **concession document**: inserted, on 13 March 1996, by section 2(4) of the Conservation Amendment Act 1996 (1996 No 1).

Section 2(1) **concessionaire**: inserted, on 13 March 1996, by section 2(4) of the Conservation Amendment Act 1996 (1996 No 1).

Section 2(1) **Conservation Board** or **Board**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **conservation management plan**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **conservation management plan**: amended, on 27 September 2001, by section 3(a) of the Conservation Amendment Act 2001 (2001 No 59).

Section 2(1) **conservation management strategy**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **contaminant**: inserted, on 13 March 1996, by section 2(3) of the Conservation Amendment Act 1996 (1996 No 1).

Section 2(1) **contaminant**: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 2(1) **controlled dog area**: inserted, on 2 May 1996, by section 2(1) of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

Section 2(1) **controlled dog area**: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 2(1) **customary marine title area**: inserted, on 1 April 2011, by section 128 of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Section 2(1) **day**: inserted, on 2 May 1996, by section 2(1) of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

Section 2(1) **declared spawning area**: inserted, on 22 October 2019, by section 4(3) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 2(1) **Director**: inserted, on 25 November 1994, by section 2(1) of the Conservation Amendment Act 1994 (1994 No 108).

Section 2(1) **District Anglers Notice**: repealed, on 13 March 1996, by section 2(1) of the Conservation Amendment Act 1996 (1996 No 1).

Section 2(1) **effect**: inserted, on 13 March 1996, by section 2(4) of the Conservation Amendment Act 1996 (1996 No 1).

Section 2(1) **effect**: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 2(1) **Fish and Game Council**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **fish and game ranger**: inserted, on 25 November 1994, by section 2(2) of the Conservation Amendment Act 1994 (1994 No 108).

Section 2(1) **fishery**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **fishery officer**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **fishing**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **foreshore**: substituted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **freshwater**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **freshwater fish**: replaced, on 22 October 2019, by section 4(1) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 2(1) **freshwater fisheries management plan**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **game**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **game bird habitat stamp**: inserted, on 17 May 1993, by section 6 of the Wildlife Amendment Act 1993 (1993 No 39).

Section 2(1) **game hunting guide**: inserted, on 13 March 1996, by section 2(3) of the Conservation Amendment Act 1996 (1996 No 1).

Section 2(1) **guide dog**: inserted, on 2 May 1996, by section 2(1) of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

Section 2(1) **guide dog**: amended, on 30 April 2003, by section 28(1) of the Royal New Zealand Foundation of the Blind Act 2002 (2002 No 3 (P)).

Section 2(1) **historic resource**: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 2(1) **indigenous fish**: repealed, on 22 October 2019, by section 4(2) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 2(1) **indigenous freshwater fish**: inserted, on 22 October 2019, by section 4(3) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 2(1) **infringement fee**: inserted, on 21 December 2018, by section 4 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 2(1) **infringement offence**: inserted, on 21 December 2018, by section 4 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 2(1) **lake**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **lease**: substituted, on 1 July 1996, by section 2(2) of the Conservation Amendment Act 1996 (1996 No 1).

Section 2(1) **licence**: substituted, on 1 July 1996, by section 2(2) of the Conservation Amendment Act 1996 (1996 No 1).

Section 2(1) **livestock**: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 2(1) **livestock**: amended, on 25 November 1994, by section 2(3) of the Conservation Amendment Act 1994 (1994 No 108).

Section 2(1) **management plan**: repealed, on 27 September 2001, by section 3(b) of the Conservation Amendment Act 2001 (2001 No 59).

Section 2(1) **manawhenua**: inserted, on 24 March 1993, by section 2 of the Conservation Amendment Act 1993 (1993 No 9).

Section 2(1) **Maori**: amended, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Section 2(1) **Maori land**: inserted, on 24 March 1993, by section 2 of the Conservation Amendment Act 1993 (1993 No 9).

Section 2(1) **marginal strip**: substituted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **national park**: inserted, on 22 October 2019, by section 4(3) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 2(1) **nature conservation**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **New Zealand Conservation Authority** or **Conservation Authority** or **Authority**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **New Zealand Fish and Game Council**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **Nga Whenua Rahui kawenata**: inserted, on 24 March 1993, by section 2 of the Conservation Amendment Act 1993 (1993 No 9).

Section 2(1) **open dog area**: inserted, on 2 May 1996, by section 2(1) of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

Section 2(1) **open dog area**: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 2(1) **operational work plan**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **owner**: inserted, on 2 May 1996, by section 2(1) of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

Section 2(1) **owner**: amended, on 1 January 2000, by section 194 of the Animal Welfare Act 1999 (1999 No 142).

Section 2(1) **permit**: inserted, on 13 March 1996, by section 2(4) of the Conservation Amendment Act 1996 (1996 No 1).

Section 2(1) **planning document**: inserted, on 1 April 2011, by section 128 of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Section 2(1) **private land** paragraph (a): amended, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Section 2(1) **protected wildlife**: inserted, on 2 May 1996, by section 2(1) of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

Section 2(1) **protected wildlife vulnerable to dogs**: inserted, on 2 May 1996, by section 2(1) of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

Section 2(1) **Ramsar Administrative Authority**: inserted, on 24 May 2013, by section 4(1) of the Conservation Amendment Act 2013 (2013 No 15).

Section 2(1) **Ramsar Secretariat**: inserted, on 24 May 2013, by section 4(1) of the Conservation Amendment Act 2013 (2013 No 15).

Section 2(1) **review**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **sale**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **sale**: amended, on 1 July 2004, by section 374 of the Gambling Act 2003 (2003 No 51).

Section 2(1) **ship**: substituted (with effect on 1 April 1987), on 2 July 1987, by section 11(1) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

Section 2(1) **sports fish**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **sports fish**: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 2(1) **sports fish and game management plan**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **sports fishing guide**: inserted, on 13 March 1996, by section 2(3) of the Conservation Amendment Act 1996 (1996 No 1).

Section 2(1) **taking**: substituted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **Taupo Fishery**: inserted, on 10 April 1990, by section 3(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **Treaty settlement legislation**: inserted, on 22 October 2019, by section 4(3) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 2(1) **Treaty settlement legislation**: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 2(1) **vehicle**: amended, on 1 March 1999, by section 215(1) of the Land Transport Act 1998 (1998 No 110).

Section 2(1) **walkway**: repealed, on 30 September 2008, by section 82 of the Walking Access Act 2008 (2008 No 101).

Section 2(1) **warranted officer**: substituted, on 2 May 1996, by section 2(2) of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

Section 2(1) **wildlife**: inserted, on 13 March 1996, by section 2(3) of the Conservation Amendment Act 1996 (1996 No 1).

Section 2(1) **working day**: replaced, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

Section 2(1) **working day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

Section 2(1) **working day** paragraph (c): amended, on 18 October 2017, by section 200 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 2(2): amended, on 24 May 2013, by section 4(2) of the Conservation Amendment Act 2013 (2013 No 15).

Section 2(3): added, on 10 April 1990, by section 3(2) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

3 Act to bind the Crown

This Act binds the Crown.

3A Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1AA have effect according to their terms.

Section 3A: inserted, on 18 October 2017, by section 201 of the Resource Legislation Amendment Act 2017 (2017 No 15).

4 Act to give effect to Treaty of Waitangi

This Act shall so be interpreted and administered as to give effect to the principles of the Treaty of Waitangi.

Part 2
Establishment and functions of Department of Conservation

5 Department of Conservation

There is hereby established a department of State to be known as the Department of Conservation, which shall be under the control of the Minister.

6 Functions of Department

The functions of the Department are to administer this Act and the enactments specified in Schedule 1, and, subject to this Act and those enactments and to the directions (if any) of the Minister,—

(a) to manage for conservation purposes, all land, and all other natural and historic resources, for the time being held under this Act, and all other land and natural and historic resources whose owner agrees with the Minister that they should be managed by the Department:

(ab) to preserve so far as is practicable all indigenous freshwater fisheries, and protect recreational freshwater fisheries and freshwater fish habitats:

(b) to advocate the conservation of natural and historic resources generally:

(c) to promote the benefits to present and future generations of—

(i) the conservation of natural and historic resources generally and the natural and historic resources of New Zealand in particular; and

(ii) the conservation of the natural and historic resources of New Zealand's sub-antarctic islands and, consistently with all relevant international agreements, of the Ross Dependency and Antarctica generally; and

(iii) international co-operation on matters relating to conservation:

(d) to prepare, provide, disseminate, promote, and publicise educational and promotional material relating to conservation:

(e) to the extent that the use of any natural or historic resource for recreation or tourism is not inconsistent with its conservation, to foster the use of

natural and historic resources for recreation, and to allow their use for tourism:

(f) to advise the Minister on matters relating to any of those functions or to conservation generally:

(g) every other function conferred on it by any other enactment.

Section 6(ab): inserted, on 10 April 1990, by section 4 of the Conservation Law Reform Act 1990 (1990 No 31).

Part 2A
New Zealand Conservation Authority and Conservation Boards

Part 2A: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

New Zealand Conservation Authority

Heading: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

6A New Zealand Conservation Authority established

There is hereby established an authority to be called the New Zealand Conservation Authority.

Section 6A: brought into force, on 25 May 1990, by clause 2 of the Conservation Act Commencement Order 1990 (SR 1990/115).

Section 6A: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

6B Functions of Authority

(1) The functions of the Authority shall be—

(a) to advise the Minister on statements of general policy prepared under the Wildlife Act 1953, the Marine Reserves Act 1971, the Reserves Act 1977, the Wild Animal Control Act 1977, the Marine Mammals Protection Act 1978, and this Act:

(b) to approve conservation management strategies and conservation management plans, and review and amend such strategies and plans, as required under the Wildlife Act 1953, the Marine Reserves Act 1971, the Reserves Act 1977, the Wild Animal Control Act 1977, the Marine Mammals Protection Act 1978, the National Parks Act 1980, and this Act:

(c) to review and report to the Minister or the Director-General on the effectiveness of the Department's administration of general policies prepared under the Wildlife Act 1953, the Marine Reserves Act 1971, the Reserves Act 1977, the Wild Animal Control Act 1977, the Marine Mammals Protection Act 1978, and this Act:

(d) to investigate any nature conservation or other conservation matters the Authority considers are of national importance, and to advise the Minister or the Director-General, as appropriate, on such matters:

(e) to consider and make proposals for the change of status or classification of areas of national and international importance:

(f) *[Repealed]*

(g) to encourage and participate in educational and publicity activities for the purposes of bringing about a better understanding of nature conservation in New Zealand:

(h) to advise the Minister and the Director-General annually on priorities for the expenditure of money:

(i) to liaise with the New Zealand Fish and Game Council:

(j) to exercise such powers and functions as may be delegated to it by the Minister under this Act or any other Act.

(2) The Authority shall have such other functions as are conferred on it by or under this Act or any other Act.

Compare: 1980 No 66 s 18

Section 6B: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 6B(1)(a): amended, on 30 September 2008, by section 82 of the Walking Access Act 2008 (2008 No 101).

Section 6B(1)(b): amended, on 30 September 2008, by section 82 of the Walking Access Act 2008 (2008 No 101).

Section 6B(1)(c): amended, on 30 September 2008, by section 82 of the Walking Access Act 2008 (2008 No 101).

Section 6B(1)(f): repealed, on 30 September 2008, by section 82 of the Walking Access Act 2008 (2008 No 101).

6C Powers of Authority

(1) The Authority shall have all such powers as are reasonably necessary or expedient to enable it to carry out its functions.

(2) Without limiting the generality of subsection (1), the Authority may—

(a) establish committees of members and other suitable persons, and delegate to them any of its powers and functions:

(b) release for public information, in such form as it thinks fit, any recommendation, report, or advice made or given by the Authority to the Minister or the Director-General:

(c) advocate the interests of the Authority at any public forum or in any statutory planning process.

(3) In exercising powers other than advocacy or investigative powers, the Authority shall have regard to any views expressed in writing by the Minister and addressed to the Authority.

(4) Notwithstanding subsection (2)(b), the Authority shall not release its annual report for public information until it has been laid before the House of Representatives.

(5) The power conferred by subsection (2)(c) shall include the right to appear before courts and tribunals in New Zealand and be heard on matters affecting or relating to the Authority's functions.

Section 6C: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

6D Membership

(1) The members of the Authority shall be appointed by the Minister having regard to the interests of conservation, natural earth and marine sciences, and recreation, and the Authority shall consist of—

(a) 2 persons appointed after consultation with the Minister of Maori Affairs:

(b) 2 persons appointed after consultation with the Minister of Tourism:

(c) 1 person appointed after consultation with the Minister of Local Government:

(ca) 1 person nominated by Te Rūnanga o Ngāi Tahu (as established by section 6 of Te Runanga o Ngai Tahu Act 1996):

(d) 1 person appointed on the recommendation of the Royal Society of New Zealand:

(e) 1 person appointed on the recommendation of the Royal Forest and Bird Protection Society of New Zealand Incorporated:

(f) 1 person appointed on the recommendation of the Federated Mountain Clubs of New Zealand Incorporated:

(g) 4 persons appointed following public notice given in accordance with subsection (2).

(2) Every notice required by subsection (1)(g) shall—

(a) state the number of appointments intended to be made to the Authority:

(b) call for nominations for membership of the Authority to be sent to the Minister:

(c) state a date, being not less than 28 days after the date of the first publication of the notice, after which the Minister may decline to accept such nominations:

(d) be published—

(i) at least twice in a daily newspaper circulating in each of the cities of Auckland, Hamilton, Wellington, Christchurch, and Dunedin; and

(ii) in such other communications media and on such occasions as the Minister may direct.

(3) Every appointment of a member of the Authority shall be made by notice published in the *Gazette*, and shall take effect from the date of such notice or such later date as may be specified in the notice.

(4) No person employed by the Department shall be eligible for appointment as a member of the Authority.

Compare: 1980 No 66 s 17

Section 6D: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 6D(1)(ca): inserted, on 22 October 1998, by section 272(1) of the Ngāi Tahu Claims Settlement Act 1998 (1998 No 97).

Section 6D(2)(d): substituted, on 7 May 1999, by section 2 of the Conservation Amendment Act 1999 (1999 No 30).

6E Annual report

(1) The Authority shall in each year make a report to the Minister on the exercise of its powers and functions.

(2) A copy of the annual report shall be laid by the Minister before the House of Representatives as soon as practicable after it has been received by that Minister.

Compare: 1980 No 66 s 21

Section 6E: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

6F Term of office of members of Authority

(1) Subject to subsection (2) to (5), every member of the Authority shall hold office for such term, not exceeding 3 years, as the Minister shall specify in the notice of appointment, and may from time to time be reappointed.

(2) Any member of the Authority may at any time be removed from office by the Minister for bankruptcy, inability to perform the functions of the office, neglect of duty, or misconduct.

(3) Any member of the Authority may at any time resign his or her office by writing addressed to the Minister.

(4) If any member of the Authority appointed under any of paragraphs (a) to (f) of section 6D(1) dies, resigns, or is removed from office, the Minister must fill the vacancy so created in the manner in which the appointment to the vacant office was originally made.

(4A) If any member of the Authority appointed under paragraph (g) of section 6D(1) dies, resigns, or is removed from office, the Minister must fill the vacancy so created either—

(a) in the manner in which the appointment to the vacant office was originally made; or

(b) by appointing, in accordance with section 6D(3), a person selected from the nominations received in response to the most recent call for section nominations under section 6D(2).

(4B) A person appointed to be a member of the Authority under subsection (4) or subsection (4A) holds office for the residue of the term for which the vacating member was appointed.

(5) Unless a member sooner dies, resigns, or is removed from office, every member of the Authority shall continue in office until that member's successor comes into office, notwithstanding that the term for which that member was appointed may have expired.

Compare: 1980 No 66 s 22

Section 6F: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 6F(2): amended, on 1 January 2002, by section 70(1) of the Human Rights Amendment Act 2001 (2001 No 96).

Section 6F(4): substituted, on 7 May 1999, by section 3 of the Conservation Amendment Act 1999 (1999 No 30).

Section 6F(4A): inserted, on 7 May 1999, by section 3 of the Conservation Amendment Act 1999 (1999 No 30).

Section 6F(4B): inserted, on 7 May 1999, by section 3 of the Conservation Amendment Act 1999 (1999 No 30).

6G Chairperson of Authority

(1) The Minister shall, by the notice appointing the members of the Authority or by a subsequent notice published in the *Gazette*, appoint one of the members to be chairperson of the Authority for the term of that member's appointment or for such lesser period as the Minister thinks fit.

(2) The chairperson shall preside at all meetings of the Authority at which he or she is present.

(3) If the chairperson is absent from any meeting of the Authority, the members present shall appoint one of their number to be the chairperson of that meeting.

Compare: 1980 No 66 s 23

Section 6G: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

6H Meetings of Authority

(1) Meetings of the Authority shall be held at such times and places as the Authority or the chairperson from time to time appoints.

(2) A special meeting shall be called by the chairperson whenever 3 or more members so request in writing.

(3) At any meeting of the Authority, a majority of the members in office shall form a quorum, and no business shall be transacted at any meeting unless such a quorum is present.

(4) Every question before any meeting of the Authority shall be determined by a majority of the members present and voting on the question, and proper minutes shall be kept of proceedings.

(5) At any meeting of the Authority, the chairperson of that meeting shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(6) The powers of the Authority shall not be affected by any vacancy in its membership, nor shall the proceedings of the Authority be invalidated merely because of the subsequent discovery that some defect existed in the appointment of any member.

(7) Subject to the provisions of this Act, the Authority may regulate its procedure in such manner as it thinks fit.

Compare: 1980 No 66 s 24

Section 6H: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

6I Director-General entitled to attend meetings of Authority

Notice in writing of every meeting of the Authority and of the business proposed to be transacted at that meeting shall be given to the Director-General, and the Director-General or the Director-General's nominee shall be entitled to attend and speak at any such meeting, but shall not be entitled to vote on any question.

Compare: 1980 No 66 s 25

Section 6I: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

6J Servicing of Authority

The Authority shall be serviced by the Department in such manner as the Minister may from time to time direct.

Compare: 1980 No 66 s 26

Section 6J: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

6K Fees and travelling expenses of members of Authority

(1) The Authority is hereby declared to be a statutory board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to members of the Authority, out of money appropriated by Parliament for the purpose, remuneration by way of fees, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

Compare: 1980 No 66 s 27

Section 6K: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

Conservation Boards

Heading: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

6L Conservation Boards established

(1) The Minister shall, by notice in the *Gazette*, establish not more than 19 Conservation Boards.

(2) The Minister shall give each Conservation Board a distinctive name corresponding to the general area in respect of which it is to have jurisdiction.

(3) The area under the jurisdiction of each Conservation Board shall be as determined from time to time by the Minister.

Compare: 1980 No 66 s 29

Section 6L: brought into force, on 19 July 1990, by clause 2 of the Conservation Act Commencement Order (No 2) 1990 (SR 1990/169).

Section 6L: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

6M Functions of Boards

(1) The functions of each Board shall be—

(a) to recommend the approval by the Conservation Authority of conservation management strategies, and the review and amendment of such strategies, under the relevant enactments:

(b) to approve conservation management plans, and the review and amendment of such plans, under the relevant enactments:

(c) to advise the Conservation Authority and the Director-General on the implementation of conservation management strategies and conservation management plans for areas within the jurisdiction of the Board:

(d) to advise the Conservation Authority or the Director-General—

(i) on any proposed change of status or classification of any area of national or international importance; and

(ii) on any other conservation matter relating to any area within the jurisdiction of the Board:

(e) *[Repealed]*

(f) to liaise with any Fish and Game Council on matters within the jurisdiction of the Board:

(g) to exercise such powers and functions as may be delegated to it by the Minister under this Act or any other Act.

(2) Every Board shall have such other functions as are conferred on it by or under this Act or any other Act.

Compare: 1980 No 66 s 30

Section 6M: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 6M(1)(e): repealed, on 30 September 2008, by section 82 of the Walking Access Act 2008 (2008 No 101).

6N Powers of Boards

(1) Every Board shall have all such powers as are reasonably necessary or expedient to enable it to carry out its functions.

(2) Without limiting the generality of subsection (1), each Board may—

(a) advocate its interests at any public forum or in any statutory planning process; and

(b) appoint committees of members and other suitable persons, and delegate to them functions and powers.

(3) The power conferred by subsection (2)(a) shall include the right to appear before courts and tribunals in New Zealand and be heard on matters affecting or relating to the Board's functions.

Section 6N: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

6O Annual report

As soon as practicable after 30 June in every year, every Board shall furnish the Conservation Authority with a report of its operations for the period of 12 months that ended on that day.

Section 6O: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

6P Membership of Conservation Boards

(1) Every Board shall consist of not more than 12 members.

(2) Except as provided in subsections (4A), (5), (6), (7), and (7A), the Minister shall appoint every member of a Board after giving public notice in accordance with subsection (4), and after consultation with the Conservation Authority, and having regard to—

(a) the particular features of land administered by the Department in the area of the Board's jurisdiction; and

(b) the interests of nature conservation, natural earth and marine sciences, recreation, tourism, and the local community including the tangata whenua of the area.

(3) Before making any appointment representing the interests of the tangata whenua of an area, the Minister shall consult with the Minister of Maori Affairs about those interests.

(4) Every notice required by subsection (2) shall—

(a) state the number of appointments intended to be made to the Board:

(b) call for nominations for membership of the Board to be sent to the Minister:

(c) state a date, being not less than 28 days after the date of the first publication of the notice, after which the Minister may decline to accept such nominations:

(d) be published—

(i) at least twice in a daily newspaper circulating in the area in which the Board will have jurisdiction; and

(ii) in such other communications media and on such occasions as the Minister may direct.

(4A) The Board whose area of jurisdiction includes that part of Auckland and the islands of the Hauraki Gulf / Tīkapa Moana within the Ngā Mana Whenua o Tāmaki Makaurau Collective RFR area (as that area is defined in section 117(1) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014) must comprise—

(a) no more than 9 members appointed under subsection (2); and

(b) 1 member appointed by the Minister on the recommendation of the Marutūāhu rōpū entity (as defined in section 8(1) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014); and

(c) 1 member appointed by the Minister on the recommendation of the Ngāti Whātua rōpū entity (as defined in section 8(1) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014); and

(d) 1 member appointed by the Minister on the recommendation of the Waiohua Tāmaki rōpū entity (as defined in section 8(1) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014).

(4B) Subsection (3) does not apply to the appointments made by the Minister to the Board whose jurisdiction is described in subsection (4A).

(5) The Board whose area of jurisdiction includes the Tongariro National Park shall consist of—

(a) not more than 10 persons appointed under subsection (2); and

(b) the paramount chief for the time being of the Ngati Tuwharetoa Tribe of the Maori race, if that chief is a lineal descendant of Te Heuheu Tukino, the donor on behalf of his associated Chiefs of the Tribe of certain Maori land included in the area of the park, or, if the paramount chief for the time being of that tribe is not a lineal descendant of Te Heuheu Tukino, a lineal descendant of Te Heuheu Tukino appointed by the Minister; and

(c) 1 person nominated by the trustees of Te Kotahitanga o Ngāti Tūwharetoa.

(5A) The Minister must, before making an appointment under subsection (2) to the Board whose area of jurisdiction includes Tongariro National Park, also

have regard to any endorsement by the trustees of Te Kotahitanga o Ngāti Tūwharetoa of a person to be a member of the Board.

(6) The Board whose area of jurisdiction includes Te Papa-Kura-o-Taranaki shall consist of—

(a) not more than 11 persons appointed under subsection (2); and

(b) 1 person to be appointed by the Minister on the recommendation of Te Tōpuni Ngārahu.

(7) The Board whose area of jurisdiction includes the Whanganui National Park shall consist of—

(a) not more than 11 persons appointed under subsection (2); and

(b) 1 person appointed by the Minister on the recommendation of the trustees of Ngā Tāngata Tiaki o Whanganui (as defined by section 7 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017).

(7A) The Board whose area of jurisdiction includes most of the Waikato claim area within the meaning of section 7 of the Waikato Raupatu Claims Settlement Act 1995 shall consist of not more than 12 persons, being—

(a) not more than 11 persons appointed under subsection (2); and

(b) the person who for the time being is recognised as the Head of Kahui Ariki, or a person appointed by the Minister on the nomination of the person so recognised.

(7B) A Board whose area of jurisdiction is wholly within the Ngāi Tahu claim area, as defined in section 8 of the Ngāi Tahu Claims Settlement Act 1998, must consist of not more than 12 persons, being—

(a) at least 2 persons appointed on the nomination of Te Rūnanga o Ngāi Tahu (as established by section 6 of Te Runanga o Ngai Tahu Act 1996); and

(b) the remaining persons appointed under subsection (2).

(7C) A Board whose area of jurisdiction is partly within the Ngāi Tahu claim area, as defined in section 8 of the Ngāi Tahu Claims Settlement Act 1998, must consist of not more than 12 persons, being—

(a) at least 1 person appointed on the nomination of Te Rūnanga o Ngāi Tahu (as established by section 6 of Te Runanga o Ngai Tahu Act 1996); and

(b) the remaining persons appointed under subsection (2).

(7D) Subsections (2) and (4) do not apply in respect of persons to be appointed under subsections (7B)(a) and (7C)(a).

(8) The appointment of any person by the Minister to be a member of a Board shall be made by notice published in the *Gazette*, and shall take effect from the date of such notice or such later date as may be specified in the notice.

(9) No person employed by the Department under the Public Service Act 2020 shall be eligible to be a member of any Board.

Compare: 1980 No 66 s 32

Section 6P: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 6P(2): amended, on 1 August 2014, by section 163(2) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (2014 No 52).

Section 6P(2): amended, on 1 September 1996, pursuant to section 25(1) of the Waikato Raupatu Claims Settlement Act 1995 (1995 No 58).

Section 6P(4)(d): substituted, on 7 May 1999, by section 4 of the Conservation Amendment Act 1999 (1999 No 30).

Section 6P(4A): inserted, on 1 August 2014, by section 163(3) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (2014 No 52).

Section 6P(4B): inserted, on 1 August 2014, by section 163(3) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (2014 No 52).

Section 6P(5)(a): replaced, on 19 December 2018, by section 196(2) of the Ngāti Tūwharetoa Claims Settlement Act 2018 (2018 No 55).

Section 6P(5)(b): amended, on 19 December 2018, by section 196(3) of the Ngāti Tūwharetoa Claims Settlement Act 2018 (2018 No 55).

Section 6P(5)(c): inserted, on 19 December 2018, by section 196(4) of the Ngāti Tūwharetoa Claims Settlement Act 2018 (2018 No 55).

Section 6P(5A): inserted, on 19 December 2018, by section 196(5) of the Ngāti Tūwharetoa Claims Settlement Act 2018 (2018 No 55).

Section 6P(6): amended, on 2 February 2025, by section 127 of the Te Ture Whakatupua mō Te Kāhui Tupua 2025/Taranaki Maunga Collective Redress Act 2025 (2025 No 1).

Section 6P(6)(b): amended, on 2 February 2025, by section 127 of the Te Ture Whakatupua mō Te Kāhui Tupua 2025/Taranaki Maunga Collective Redress Act 2025 (2025 No 1).

Section 6P(7)(b): amended, on 21 March 2017, by section 122(2) of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 (2017 No 7).

Section 6P(7A): inserted, on 1 September 1996, by section 25(2) of the Waikato Raupatu Claims Settlement Act 1995 (1995 No 58).

Section 6P(7B): inserted, on 22 October 1998, by section 273(1) of the Ngāi Tahu Claims Settlement Act 1998 (1998 No 97).

Section 6P(7C): inserted, on 22 October 1998, by section 273(1) of the Ngāi Tahu Claims Settlement Act 1998 (1998 No 97).

Section 6P(7D): inserted, on 22 October 1998, by section 273(1) of the Ngāi Tahu Claims Settlement Act 1998 (1998 No 97).

Section 6P(9): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

6Q Co-opted members

(1) Any Board may co-opt for such term as it thinks fit any suitable person or persons to be a member or members of the Board.

(2) A co-opted member of a Board shall be entitled to attend and speak at any meeting of that Board, but shall not be entitled to vote on any question.

Section 6Q: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

6R Term of office of members of Boards

(1) Subject to subsections (2) to (5), every appointed member of a Board shall hold office for such term, not exceeding 3 years, as the Minister shall specify in the notice of appointment, and may from time to time be reappointed.

(2) Any member of a Board may at any time be removed from office by the Minister for bankruptcy, inability to perform the functions of the office, neglect of duty, or misconduct.

(3) Any member of a Board may at any time resign his or her office by writing addressed to the Minister.

(4) If any member of a Board appointed other than under section 6P(2) dies, resigns, or is removed from office, the Minister must fill the vacancy so created in the manner in which the appointment to the vacant office was originally made.

(4A) If any member of a Board appointed under section 6P(2) dies, resigns, or is removed from office, the Minister must fill the vacancy so created either—

(a) in the manner in which the appointment to the vacant office was originally made; or

(b) by appointing, in accordance with section 6P(8), a person selected from the nominations received in response to the most recent call for nominations under section 6P(4).

(4B) A person appointed to be a member of a Board under subsection (4) or subsection (4A) holds office for the residue of the term for which the vacating member was appointed.

(5) Unless a member sooner dies, resigns, or is removed from office, every member of a Board shall continue in office until that member's successor comes into office, notwithstanding that the term for which that member was appointed may have expired.

Compare: 1980 No 66 s 33

Section 6R: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 6R(2): amended, on 1 January 2002, by section 70(1) of the Human Rights Amendment Act 2001 (2001 No 96).

Section 6R(4): substituted, on 7 May 1999, by section 5 of the Conservation Amendment Act 1999 (1999 No 30).

Section 6R(4A): inserted, on 7 May 1999, by section 5 of the Conservation Amendment Act 1999 (1999 No 30).

Section 6R(4B): inserted, on 7 May 1999, by section 5 of the Conservation Amendment Act 1999 (1999 No 30).

6S Chairpersons of Boards

(1) The Minister shall, by the notice appointing the members of a Board, appoint one of its members to be the chairperson of the Board for a term of 1 year, and

thereafter the members shall from time to time elect one of their number to be the chairperson for such period as they think fit.

(2) The chairperson shall preside at all meetings of the Board at which he or she is present.

(3) If the chairperson is absent from any meeting, the members present shall appoint one of their number to be the chairperson of that meeting.

Compare: 1980 No 66 s 34

Section 6S: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

6T Meetings of Boards

(1) The first meeting of each Board shall be held at a time and place to be appointed by the Minister, and subsequent meetings shall be held at such times and places as the Board or the chairperson from time to time appoints.

(2) A special meeting shall be called by the chairperson whenever 3 or more members so request in writing.

(3) At any meeting of a Board, a majority of the members in office shall form a quorum and no business shall be transacted at any meeting unless such a quorum is present.

(4) Every question before any meeting of a Board shall be determined by a majority of the members present and voting on the question.

(5) At any meeting of a Board, the chairperson of that meeting shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(6) The powers of a Board shall not be affected by any vacancy in its membership, nor shall the proceedings of a Board be invalidated merely because of the subsequent discovery that some defect existed in the appointment of any member.

(7) Subject to the provisions of this Act, each Board may regulate its procedure in such manner as it thinks fit.

Compare: 1980 No 66 s 35

Section 6T: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

6U Director-General entitled to attend meetings of Boards

Notice in writing of every meeting of a Board and of the business proposed to be transacted at that meeting shall be given to the Director-General, and the Director-General or the Director-General's nominee shall be entitled to attend and speak at any such meeting, but shall not be entitled to vote on any question.

Compare: 1980 No 66 s 36; 1987 No 65 s 65(1)

Section 6U: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

6V Servicing of Boards

The Boards shall be serviced by the Department in such manner as the Minister may from time to time direct.

Compare: 1980 No 66 s 37

Section 6V: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

6W Fees and travelling expenses of members of Boards

(1) Every Board is hereby declared to be a statutory board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to members of every Board, out of money appropriated by Parliament, remuneration by way of fees, salary, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

Compare: 1980 No 66 s 38

Section 6W: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

Part 2B
Guardians of Lakes Manapouri, Monowai, and Te Anau

Part 2B: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

6X Guardians of Lakes Manapouri, Monowai, and Te Anau

(1) The Minister may, on such terms and conditions as the Minister may from time to time specify, appoint suitable persons to be the Guardians of Lakes Manapouri, Monowai, and Te Anau.

(1A) The persons appointed to be Guardians must include at least 1 person nominated by Te Rūnanga o Ngāi Tahu (as established by Te Runanga o Ngai Tahu Act 1996).

(2) The functions of the Guardians shall be—

(a) to make recommendations to the Minister on any matters arising from the environmental, ecological, and social effects of the operation of the Manapouri-Te Anau hydroelectric power scheme on the townships of Manapouri and Te Anau, Lakes Manapouri and Te Anau and their shorelines, and on the rivers flowing in and out of those lakes, having particular regard to the effects of the operation on social values, conservation, recreation, tourism, and related activities and amenities:

(b) to make recommendations to the Minister on any matters arising from the environmental, ecological, and social effects of the operation of the Monowai Power Scheme on Lake Monowai, its shoreline, and on the rivers flowing in and out of Lake Monowai, having particular regard to

the effects of the operation on social values, conservation, recreation, tourism, and related activities and amenities:

(c) to make to the Minister, and to the Minister responsible for the administration of the Manapouri-Te Anau Development Act 1963, recommendations on the operating guidelines for the levels of Lakes Manapouri and Te Anau, for the purposes of section 4A of that Act:

(d) *[Repealed]*

(3) The Guardians shall in each year make a report to the Minister on their meetings and recommendations.

(4) Except as otherwise expressly provided, every reference in any other Act to the Guardians of Lakes Manapouri and Te Anau shall be read as a reference to the Guardians appointed under subsection (1).

Section 6X: inserted, on 10 April 1990, by section 5 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 6X(1): amended, on 22 October 1998, by section 274(1) of the Ngāi Tahu Claims Settlement Act 1998 (1998 No 97).

Section 6X(1A): inserted, on 22 October 1998, by section 274(2) of the Ngāi Tahu Claims Settlement Act 1998 (1998 No 97).

Section 6X(2)(d): repealed, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Part 3
Conservation areas

7 Land may be acquired and held for conservation purposes

(1) The Minister, and the Minister responsible for an agency or department of State that has control of any land, may jointly, by notice in the *Gazette* describing it, declare that the land is held for conservation purposes; and, subject to this Act, it shall thereafter be so held.

(1A) Notwithstanding subsection (1), in the case of any land to which section 61 or section 62 applies, the Minister may, by notice in the *Gazette* describing it, declare that the land is held for conservation purposes; and, subject to this Act, it shall thereafter be so held.

(1B) In the case of land that is foreshore within the common marine and coastal area, the Minister may declare, by notice in the *Gazette* describing the land, that the land is held for conservation purposes.

(2) The Minister may, by agreement, acquire any interest in land for conservation purposes; and, subject to this Act, it shall thereafter be held for those purposes.

(3) Nothing in subsections (1) and (2) applies in respect of land that is Crown forest land within the meaning of section 2 of the Crown Forest Assets Act 1989.

(4) For the purposes of subsection (1), the Minister of Forestry shall be deemed to be the Minister responsible for a department of State that has control of State forest land that is not Crown forest land within the meaning of section 2 of the Crown Forest Assets Act 1989.

Section 7(1): amended, on 1 April 2011, by section 128 of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Section 7(1A): inserted, on 25 November 1994, by section 3 of the Conservation Amendment Act 1994 (1994 No 108).

Section 7(1A): amended, on 1 April 2011, by section 128 of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Section 7(1B): inserted, on 1 April 2011, by section 127(2) of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Section 7(3): substituted, on 25 October 1989, by section 44(1) of the Crown Forest Assets Act 1989 (1989 No 99).

Section 7(4): added, on 25 October 1989, by section 44(1) of the Crown Forest Assets Act 1989 (1989 No 99).

8 Conservation area may become reserve, national park, etc

(1) Nothing in this Act shall prevent any conservation area's becoming a reserve, sanctuary, refuge, or national park under any enactment other than this Act administered by the Department.

(1A) The Minister may from time to time, by notice in the *Gazette*, declare any conservation area to be a reserve under the Reserves Act 1977 and to have a classification under that Act, or to be included in any existing reserve under that Act, and may in like manner amend or revoke any such notice; and every such declaration shall have effect as a reservation under that Act for the purposes specified in the notice.

(1B) Subsection (1A) is subject to subsection (4).

(2) Upon becoming a reserve, sanctuary, refuge, or national park, a conservation area shall cease to be a conservation area, notwithstanding that there has been no compliance with section 16 or section 26.

(3) Upon the revocation of any notice given under subsection (1A), the land to which that notice related shall become a conservation area and have the same status as it had immediately before the commencement of that notice.

(4) The Minister must not act under subsection (1A) to declare a conservation area—

(a) to be a nature reserve or a scientific reserve under the Reserves Act 1977; or

(b) to be included in an existing nature reserve or scientific reserve under that Act.

Section 8(1A): inserted, on 10 April 1990, by section 6(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 8(1B): inserted, on 24 May 2013, by section 5(1) of the Conservation Amendment Act 2013 (2013 No 15).

Section 8(3): added, on 10 April 1990, by section 6(2) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 8(4): inserted, on 24 May 2013, by section 5(2) of the Conservation Amendment Act 2013 (2013 No 15).

9 Policy statements for conservation areas

[Repealed]

Section 9: repealed, on 10 April 1990, by section 13(2) of the Conservation Law Reform Act 1990 (1990 No 31).

10 Management plans

[Repealed]

Section 10: repealed, on 10 April 1990, by section 13(2) of the Conservation Law Reform Act 1990 (1990 No 31).

11 Procedure for preparing and amending management plans

[Repealed]

Section 11: repealed, on 10 April 1990, by section 13(2) of the Conservation Law Reform Act 1990 (1990 No 31).

12 Effect of management plans

[Repealed]

Section 12: repealed, on 10 April 1990, by section 13(2) of the Conservation Law Reform Act 1990 (1990 No 31).

13 Conservation areas may be closed

(1) The Minister may, by notice,—

(a) if requested to do so under section 24H(7) or if any conservation management strategy or conservation management plan relating to any conservation area provides for its closure in whole or in part for conservation purposes, to public entry, close the area or any part of it to public entry in accordance with the strategy or plan; and

(b) to the extent only that the conservation of any natural or historic resource of a conservation area for which there is no conservation management strategy or conservation management plan requires the closure of the area to public entry, close the area to public entry; and

(c) for reasons of public safety or emergency close any conservation area to public entry;—

and during the closure no person not authorised to do so by the Director-General shall remain in or enter the area.

(2) For so long as a conservation area is closed under subsection (1), the Director-General shall take all reasonable steps to ensure that members of the public are made aware of the closure and the reasons for it.

(3) A notice under this section—

(a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and

(b) comes into force when it is made, even if it is not yet published.

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	It is not required to be published	LA19 s 73(2)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 13(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 13(1)(a): substituted, on 10 April 1990, by section 7(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 13(1)(b): amended, on 10 April 1990, by section 7(2) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 13(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

14 Conditions on the issuing of leases and licences, and disposal of conservation areas

[Repealed]

Section 14: repealed, on 1 July 1996, by section 7(5)(a) of the Conservation Amendment Act 1996 (1996 No 1).

15 Creation of easements

[Repealed]

Section 15: repealed, on 1 July 1996, by section 7(5)(a) of the Conservation Amendment Act 1996 (1996 No 1).

16 Disposal of conservation areas

(1) Notwithstanding anything in the State-Owned Enterprises Act 1986 but subject to the Public Works Act 1981, no conservation area or interest in a conservation area shall be disposed of except in accordance with this Act.

(2) Nothing in subsection (1) restricts or prevents the granting under this Act of a lease, licence, or easement over any conservation area.

(3) Nothing in section 42 of the Public Works Act 1981 applies to the disposal of any conservation area or interest in a conservation area.

Section 16(1): substituted, on 10 April 1990, by section 10 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 16(3): added, on 25 November 1994, by section 4 of the Conservation Amendment Act 1994 (1994 No 108).

16A Exchanges of stewardship areas

(1) Subject to subsections (2) and (3), the Minister may, by notice in the *Gazette*, authorise the exchange of any stewardship area or any part of any stewardship area for any other land.

(2) The Minister shall not authorise any such exchange unless the Minister is satisfied, after consultation with the local Conservation Board, that the exchange will enhance the conservation values of land managed by the Department and promote the purposes of this Act.

(3) All land acquired by the Crown under this section shall be held for such conservation purposes as the Minister may specify in respect of that land by notice in the *Gazette*.

(4) The Minister may authorise the payment or receipt by the Crown of money by way of equality of exchange in any case under this section; and all money so received shall be paid into the Department of Conservation Grants and Gifts Trust Account, and shall be applied, without further appropriation than this section, for the acquisition of land under this Act or the Reserves Act 1977 or the National Parks Act 1980.

(5) The Minister or the Director-General may, on behalf of the Crown, do all such things as may be necessary to effect any exchange authorised under this section.

(6) Upon the transfer of any stewardship area or any part of any stewardship area under this section, that land shall cease to be subject to this Act.

(7) Nothing in section 26 or section 49 shall apply to the exchange of land under this section.

(7A) Nothing in section 40 of the Public Works Act 1981 applies to the exchange of land under this section.

(8) The Registrar-General of Land is hereby authorised and directed to make such entries in registers and do all such other things as may be necessary to give effect to exchanges authorised under this section.

Section 16A: inserted, on 10 April 1990, by section 11 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 16A(7A): inserted, on 25 November 1994, by section 5 of the Conservation Amendment Act 1994 (1994 No 108).

Section 16A(8): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

17 Access to conservation areas

(1) Except as provided by or under this section, Part 3B, or section 38(1), the entry to and use of conservation areas by the public shall be free of charge.

(2) The Minister may impose a reasonable charge for the use of facilities (other than paths and tracks) that are provided by the Minister in or in respect of any conservation area.

(3) A concessionaire of any part of a conservation area may, to the extent that the relevant concession document so provides, impose a reasonable charge for the use of any facilities in or in respect of that part of the area that are provided by the Minister or the concessionaire.

(4) Any person who, in accordance with any concession or other consent of the Minister or Director-General,—

(a) has erected any structure or facility in any conservation area; or

(b) uses any part of any conservation area for camping sites or for parking places for vehicles; or

(c) carries on any activity in any conservation area,—

may, subject to the conservation management strategy or conservation management plan (if any) relating to the area and to the terms and conditions (if any) of the relevant concession document, impose a reasonable charge in respect of access to or use of any such structure, site, or place, or the carrying on or products of the activity concerned.

(5) Nothing in this section authorises any person to do anything on or in respect of any private land.

Section 17: substituted, on 1 July 1996, by section 3(1) of the Conservation Amendment Act 1996 (1996 No 1).

Part 3A
Management planning

Part 3A: inserted, on 10 April 1990, by section 13(1) of the Conservation Law Reform Act 1990 (1990 No 31).

17A Conservation areas to be managed by Department

Subject to this Act, the Department shall administer and manage all conservation areas and natural and historic resources in accordance with—

(a) statements of general policy approved under section 17B or section 17C; and

(b) conservation management strategies, conservation management plans, and freshwater fisheries management plans.

Section 17A: inserted, on 10 April 1990, by section 13(1) of the Conservation Law Reform Act 1990 (1990 No 31).

17B General policy

(1) The Minister may approve statements of general policy for the implementation of this Act, and for any conservation area or areas, or conservation areas of any class or description; and may from time to time amend or revoke any such statement in the light of changing circumstances or increased knowledge.

(2) Nothing in any such general policy shall derogate from any provision in this Act or any other Act.

(3) The following provisions shall apply to the preparation and approval of such statements:

(a) the Director-General may prepare draft statements of general policy, after consultation with—

(i) the New Zealand Fish and Game Council, in the case of sports fish and game policy; or

(ii) the Conservation Authority, in any other case:

(b) the Director-General shall give notice by advertisement published in daily newspapers circulating in the cities of Auckland, Hamilton, Wellington, Christchurch, and Dunedin of the availability of each proposed statement of policy, and every such notice shall—

(i) state that the draft is available for inspection at the places and times specified in the notice; and

(ii) call upon persons or organisations interested to lodge with the Director-General written submissions on the draft before the date specified in that behalf in the notice, being a date not less than 40 working days after the date of the publication of the notice:

(c) the Director-General shall also give notice to the same effect to all regional councils within the meaning of the Local Government Act 2002, and, so far as is practicable, to representatives of the appropriate iwi authorities:

(d) before revising any such draft, the Director-General shall ensure that—

(i) copies of the draft are held by the Department and are available for public inspection during normal office hours, in such places and quantities as are likely to encourage public participation in the development of the statement of policy; and

(ii) any proposed amendments are explained in a written statement available with the draft:

(e) the Director-General may give such further notice of any draft statement of policy as the Director-General thinks fit:

(f) any person or organisation may send to the Director-General written submissions on any such draft before the date specified in that behalf in the relevant notice, being a date not less than 40 working days after the date of publication of the notice:

(g) the Director-General shall give any person or organisation who or which, in making any submissions under paragraph (f), asked to be heard in support of his or her or its submissions a reasonable opportunity of appearing before the Director-General:

(h) the Director-General shall consult with such other persons or organisations, and in such manner, as the Director-General considers practicable and appropriate:

(i) the Director-General shall prepare a summary of the submissions received and public opinion made known on the draft:

(j) after considering the submissions and public opinion, the Director-General shall make such amendments to the draft as the Director-General considers appropriate and, subject to paragraph (k), send to the Conservation Authority the draft and the summary prepared under paragraph (i):

(k) where a draft statement of policy relates to the management of sports fish and game, the Director-General—

(i) shall send the draft to the New Zealand Fish and Game Council for comment; and

(ii) shall send to the Minister, the draft, the summary prepared under paragraph (i), and the comments of the New Zealand Fish and Game Council:

(l) the Conservation Authority—

(i) shall consider any draft and summary received from the Director-General under paragraph (j); and

(ii) may consult any Conservation Board about the draft; and

(iii) shall send to the Minister the draft, the summary, and its own comments on the draft:

(m) the Minister shall approve the draft or send it back to the Director-General for revision before approving it.

(4) The Director-General may at any time prepare an amendment to any statement of general policy, and the following provisions shall apply in any such case:

(a) where the proposed amendment does not materially affect the objectives of the policy or the public interest, the Director-General shall send it to the Conservation Authority or the New Zealand Fish and Game Council, as the case may require, and it shall be dealt with under paragraphs (k) to (m) of subsection (3), which shall apply with any necessary modifications:

(b) in any other case, the proposed amendment shall be dealt with under paragraphs (a) to (m) of subsection (3), which shall apply with any necessary modifications.

(5) All statements of general policy approved under this Act before the commencement of this section shall be deemed to have been approved under subsection (3)(m).

Section 17B: inserted, on 10 April 1990, by section 13(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 17B(3)(c): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

17C General policy under more than 1 Act

(1) The Director-General may from time to time prepare and recommend for approval by the Minister a general statement of policy for any area or areas of land or water, or for any natural or historic resources, managed by the Department for the purposes of the Wildlife Act 1953, the Marine Reserves Act 1971, the Reserves Act 1977, the Wild Animal Control Act 1977, the Marine Mammals Protection Act 1978, or this Act, or any of them.

(2) Where any part of any such statement of policy is subject to any of the Acts referred to in subsection (1), it may be approved only in accordance with the relevant approval procedures set out in that Act; and the relevant provisions of that Act shall apply accordingly.

Section 17C: inserted, on 10 April 1990, by section 13(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 17C(1): amended, on 30 September 2008, by section 82 of the Walking Access Act 2008 (2008 No 101).

17D Conservation management strategies

(1) The purpose of a conservation management strategy is to implement general policies and establish objectives for the integrated management of natural and historic resources, including any species, managed by the Department under the Wildlife Act 1953, the Marine Reserves Act 1971, the Reserves Act 1977, the Wild Animal Control Act 1977, the Marine Mammals Protection Act 1978, the National Parks Act 1980, the Hauraki Gulf Marine Park Act 2000, or this Act, or any of them, and for recreation, tourism, and other conservation purposes.

(2) Within 5 years after the commencement of this section, such conservation management strategies as may be necessary to establish such objectives for all areas managed by the Department shall be prepared by the Director-General for approval by the Conservation Authority in accordance with section 17F.

(3) Subject to this Act, the Director-General shall determine the boundaries of a conservation management strategy.

(4) Nothing in any conservation management strategy shall—

(a) derogate from any provision in this Act or any other Act; or

(b) derogate from any general policy approved under any of the Acts referred to in subsection (1); or

(c) affect any agreement or arrangement entered into under this Act or any other Act between the Minister and any land owner other than the Crown or between the Director-General and any such land owner.

(5) A conservation management strategy may require the preparation of a conservation management plan under any Act specified in Schedule 1 other than the National Parks Act 1980.

(6) Any conservation management plan approved in respect of any conservation park or under the National Parks Act 1980 may be approved as a conservation management strategy by the Conservation Authority in accordance with paragraphs (m) to (p) of section 17F, as if it were a draft conservation management strategy.

(7) A conservation management strategy shall identify and describe all protected areas managed by the Department within the boundaries of the strategy.

(8) When preparing a conservation management strategy, the Director-General shall have regard to any relevant concessions for the time being in force and to existing management plans under this Act or any Act specified in Schedule 1.

Section 17D: inserted, on 10 April 1990, by section 13(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 17D(1): amended, on 30 September 2008, by section 82 of the Walking Access Act 2008 (2008 No 101).

Section 17D(1): amended, on 27 February 2000, by section 49 of the Hauraki Gulf Marine Park Act 2000 (2000 No 1).

Section 17D(8): amended, on 1 July 1996, by section 4 of the Conservation Amendment Act 1996 (1996 No 1).

17E Conservation management plans

(1) The purpose of a conservation management plan is to implement conservation management strategies and establish detailed objectives for the integrated management of natural and historic resources within any area or areas referred to in subsection (4), and for recreation, tourism, and other conservation purposes.

(2) The Director-General shall prepare conservation management plans as required by the provisions of any conservation management strategy.

(3) Where an area is not subject to a conservation management strategy, the Minister may require the preparation of a conservation management plan for that area after consultation with the Boards affected; and the Director-General shall prepare such a plan if so required by the Minister.

(4) Any conservation management plan may relate to any area or areas managed by the Department under the Wildlife Act 1953, the Marine Reserves Act 1971, the Reserves Act 1977, the Marine Mammals Protection Act 1978, the Hauraki Gulf Marine Park Act 2000, or this Act.

(5) Nothing in any conservation management plan shall derogate from—

(a) any provision in this Act or any other Act; or

(b) any policy approved under this Act or any other Act in respect of the area to which the plan relates, or any part of that area; or

(c) any provision in any conservation management strategy.

(6) All management plans approved under this Act before the commencement of this section shall be deemed to have been approved under section 17G.

(7) Every draft management plan that, immediately before the commencement of this Act, had been publicly notified by the Director-General but not approved by the Minister is hereby deemed to be a draft conservation management plan prepared under section 17G and may be approved accordingly.

(8) Where it is proposed that a conservation management strategy be amended to provide for a conservation management plan, section 17I(4) shall be deemed to apply to the amendment.

(9) When preparing a conservation management plan, the Director-General shall have regard to any relevant concessions for the time being in force and to existing freshwater fisheries management plans and sports fish and game management plans under this Act.

Section 17E: inserted, on 10 April 1990, by section 13(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 17E(4): amended, on 27 February 2000, by section 49 of the Hauraki Gulf Marine Park Act 2000 (2000 No 1).

Section 17E(5)(c): amended, on 25 November 1994, by section 6 of the Conservation Amendment Act 1994 (1994 No 108).

Section 17E(9): amended, on 1 July 1996, by section 5 of the Conservation Amendment Act 1996 (1996 No 1).

17F Procedure for preparation and approval of conservation management strategies

The following provisions shall apply to the preparation and approval of draft conservation management strategies:

(a) every draft shall be prepared by the Director-General in consultation with the Conservation Boards affected by it and such other persons or organisations, as the Director-General considers practicable and appropriate, and then notified in accordance with section 49(1) and to the appropriate regional councils and territorial authorities within the meaning of the Local Government Act 2002 and to the appropriate iwi authorities, and that provision shall apply as if the notice were required to be given by the Minister:

(b) every notice under paragraph (a) shall—

(i) state that the draft strategy is available for inspection at the places and times specified in the notice; and

(ii) call upon persons or organisations interested to lodge with the Director-General submissions on the draft before the date specified in that behalf in the notice, being a date not less than 40 working days after the date of the publication of the notice:

(c) any person or organisation may make written submissions to the Director-General on the draft at the place and before the date specified in that behalf in the notice:

(d) the Director-General may, after consultation with the Conservation Boards affected, obtain public opinion of the draft by any other means from any person or organisation:

(e) from the date of public notification of a draft until public opinion of it has been made known to the Director-General, the draft shall be made available by the Director-General for public inspection during normal office hours, in such places and quantities as are likely to encourage public participation in the development of the proposal:

(f) the Director-General shall give every person or organisation who or which, in making any submissions on the draft, asked to be heard in support of his or her or its submissions a reasonable opportunity of appearing before a meeting of representatives of the Director-General and the Conservation Boards affected:

(g) representatives of the Director-General and the Conservation Boards affected may hear submissions from any other person or organisations consulted on the draft:

(h) the Director-General shall prepare a summary of the submissions received on the draft and public opinion made known about it:

(i) after considering such submissions and public opinion, the Director-General shall revise the draft and shall, subject to paragraph (j), send to the Conservation Boards affected the revised draft and the summary prepared under paragraph (h):

(j) the Director-General shall comply with paragraph (i) before—

(i) the expiration of 8 months after the date of publication of the notice given under paragraph (a); or

(ii) such later date as may be fixed in that behalf by the Minister:

(k) on receipt of the draft and the summary, the Conservation Boards affected shall consider those documents and then—

(i) may request the Director-General to revise the draft; and

(ii) shall send the draft to the Authority for approval, together with a written statement of any matters of content on which the Director-General and the Boards are unable to agree and a copy of the summary prepared under paragraph (h):

(l) the Conservation Boards affected shall send the draft received under paragraph (i) to the Conservation Authority before—

(i) the expiration of 6 months after the date of its referral to the Boards by the Director-General; or

(ii) such later date as may be fixed in that behalf by the Minister:

(m) the Conservation Authority shall consider the draft and all other information furnished with it and may consult such persons and organisations as it considers appropriate, including the Director-General and the Conservation Boards affected:

(n) after such consideration, the Conservation Authority shall make such amendments as it considers necessary and send the draft and the other relevant information to the Minister:

(o) the Minister shall consider the draft and send it back to the Conservation Authority with any written recommendations the Minister considers appropriate:

(p) after having regard to any recommendations expressed in writing by the Minister, the Conservation Authority shall either—

(i) approve the draft; or

(ii) send back to the Minister for further consideration the draft and any new information the Authority wishes the Minister to consider, before the Authority approves the draft.

Section 17F: inserted, on 10 April 1990, by section 13(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 17F(a): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

17G Procedure for preparation and approval of conservation management plans

(1) The provisions of paragraphs (a) to (j) of section 17F shall apply to the preparation and approval of draft conservation management plans as if such draft plans were draft conservation management strategies.

(2) On receipt of the draft and the summary under the provisions referred to in subsection (1), the Conservation Boards affected shall consider those documents and then shall—

(a) approve the plan; or

(b) request the Director-General to revise the plan; or

(c) send the plan to the Conservation Authority for consideration.

(3) The following provisions shall also apply to draft conservation management plans:

(a) at any time before the Boards approve the draft, the Authority or the Minister may require the Boards to send the draft to the Authority for approval:

(b) if a draft is sent to the Authority under paragraph (a), the Director-General shall be entitled to make to the Authority submissions on the draft:

(c) every draft referred by the Director-General to Conservation Boards under the provisions referred to in subsection (1) shall be approved by the Boards or sent to the Conservation Authority, as the case may require, before—

(i) the expiration of 6 months after the date of its referral to the Boards by the Director-General; or

(ii) such later date as may be fixed in that behalf by the Minister:

(d) where the Boards send a draft to the Authority, the Boards shall also furnish the Authority with the summary prepared under subsection (1) and a written statement of any matters of content on which the Director-General and the Boards are unable to agree:

(e) the Conservation Authority shall, in such a case, consider the draft and all other information furnished with it and may consult such persons and organisations as it considers appropriate, including the Director-General and the Conservation Boards affected:

(f) after such consideration, the Conservation Authority shall make such amendments as it considers necessary and send the draft and the other relevant information to the Minister:

(g) the Minister shall consider the draft and send it back to the Conservation Authority with any written recommendations the Minister considers appropriate:

(h) after having regard to any recommendations expressed in writing by the Minister, the Conservation Authority shall either—

(i) approve the draft strategy or plan; or

(ii) send back to the Minister for further consideration the draft and any new information the Authority wishes the Minister to consider, before the Authority approves the draft.

Section 17G: inserted, on 10 April 1990, by section 13(1) of the Conservation Law Reform Act 1990 (1990 No 31).

17H Reviews of conservation management strategies and conservation management plans

(1) The Director-General, after consultation with the Conservation Boards affected, may at any time initiate a review of any conservation management strategy or conservation management plan, or any part of any such strategy or plan.

(2) Every review of a conservation management strategy under this section shall be carried out and approved in accordance with the provisions of section 17F, which shall apply with any necessary modifications.

(3) Every review of a conservation management plan under this section shall be carried out and approved in accordance with the provisions of section 17G, which shall apply with any necessary modifications.

(4) The following provisions shall also apply in relation to reviews under this section:

(a) any conservation management strategy or conservation management plan may be reviewed in whole or in part:

(b) a conservation management strategy or conservation management plan shall be reviewed as a whole by the Director-General not later than 10 years after the date of its approval:

(c) in the case of a conservation management strategy, the Minister may, after consultation with the Authority, extend that period of review:

(d) in the case of a conservation management plan, the Minister may, after consultation with the Conservation Boards affected, extend that period of review.

(5) When reviewing any part of a conservation management strategy, the Director-General must take into account the matters set out in any planning documents lodged with the Director-General under section 90 of the Marine and Coastal Area (Takutai Moana) Act 2011 that are relevant to the strategy.

Section 17H: inserted, on 10 April 1990, by section 13(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 17H(5): added, on 1 April 2011, by section 128 of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

17I Amendments to conservation management strategies and conservation management plans

(1) The Director-General, after consultation with the Conservation Boards affected, may at any time initiate the amendment of any conservation management strategy or conservation management plan, or any part of any such strategy or plan.

(1A) The Director-General may amend a conservation management strategy so that the information in the strategy required by section 17D(7) (identifying and describing protected areas) remains accurate. Subsections (1), (2), and (4)(a) do not apply to the Director-General's ability to amend a conservation management strategy under this subsection. However, the Director-General must promptly notify the Conservation Boards affected of every amendment made under this subsection.

(2) Except as provided in subsection (4), every amendment of a conservation management strategy under this section shall be carried out in accordance with the provisions of section 17F, which shall apply with any necessary modifications.

(3) Except as provided in subsection (4), every amendment of a conservation management plan shall be carried out in accordance with the provisions of section 17G, which shall apply with any necessary modifications.

(4) Where the proposed amendment is of such a nature that the Director-General and the Conservation Boards affected consider that it will not materially affect the objectives or policies expressed in the strategy or plan or the public interest in the area concerned, then—

(a) in the case of a conservation management strategy, the Director-General shall send the proposal to the Conservation Boards affected and it shall be dealt with under paragraphs (k) to (p) of section 17F; and

(b) in the case of a conservation management plan, the Director-General shall send the proposal to the Conservation Boards affected and it shall be dealt with under subsections (2) and (3) of section 17G.

(5) When amending any part of a conservation management strategy, the Director-General must take into account the matters set out in any planning documents lodged with the Director-General under section 90 of the Marine and Coastal Area (Takutai Moana) Act 2011 that are relevant to the strategy.

Section 17I: inserted, on 10 April 1990, by section 13(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 17I(1A): inserted, on 22 October 2003, by section 3 of the Conservation Amendment Act 2003 (2003 No 65).

Section 17I(4)(a): amended, on 25 November 1994, by section 7 of the Conservation Amendment Act 1994 (1994 No 108).

Section 17I(4)(b): amended, on 25 November 1994, by section 7 of the Conservation Amendment Act 1994 (1994 No 108).

Section 17I(5): added, on 1 April 2011, by section 128 of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

17J Freshwater fisheries management plans

(1) The purpose of a freshwater fisheries management plan is to implement general policies and establish detailed objectives for the management of freshwater fisheries within any area or areas or throughout all New Zealand.

(2) The Director-General may prepare for approval by the Minister such freshwater fisheries management plans as are necessary for the management of all freshwater fisheries other than sports fisheries.

(3) Nothing in any freshwater fisheries management plan shall derogate from—

(a) any provision in this Act or any other Act; or

(b) any policy approved under this Act or any other Act in respect of the area to which the plan relates, or any part of that area; or

(c) any provision in any conservation management strategy or conservation management plan.

(4) Any freshwater fisheries management plan may apply to any 1 or more freshwater fish species within any area or throughout all New Zealand.

(5) In preparing any freshwater fisheries management plan, the Director-General shall have regard to any sports fish and game management plan having effect in that area.

Section 17J: inserted, on 10 April 1990, by section 13(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 17J(1): amended, on 22 October 2019, by section 5(1) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 17J(4): amended, on 22 October 2019, by section 5(2) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

17K Procedure for preparation, approval, review, and amendment of freshwater fisheries management plans

(1) The following provisions shall apply to the preparation and approval of freshwater fisheries management plans:

(a) every draft plan shall be prepared by the Director-General in consultation with the Conservation Boards affected by it and such other persons or organisations, including representatives of the appropriate iwi authorities, as the Director-General considers practicable and appropriate, and then notified in accordance with section 49(1) and to the appropriate regional councils and territorial authorities within the meaning of the Local Government Act 2002, and that provision shall apply as if the notice were required to be given by the Minister:

(b) every notice under paragraph (a) shall—

(i) state that the draft plan is available for inspection at the places and times specified in the notice; and

(ii) call upon persons or organisations interested to lodge with the Director-General submissions on the draft before the date specified in that behalf in the notice, being a date not less than 40 working days after the date of the publication of the notice:

(c) any person or organisation may make written submissions to the Director-General on any such draft plan, at the place and before the date specified in that behalf in the notice:

(d) the Director-General may obtain public opinion of the draft by any other means from any person or organisation:

(e) from the date of public notification of a draft plan until public opinion of it has been made known to the Director-General, the draft shall be made available by the Director-General for public inspection during normal office hours, in such places and quantities as are likely to encourage public participation in the development of the proposal:

(f) the Director-General shall give every person or organisation who or which, in making any submissions on the draft, asked to be heard in support of his or her or its comments a reasonable opportunity of appearing before a meeting of representatives of the Director-General:

(g) representatives of the Director-General may hear submissions from any other person or organisations consulted on the draft:

(h) the Director-General shall prepare a summary of the submissions received on the draft and public opinion made known about it:

(i) after considering such submissions and public opinion, the Director-General shall, subject to paragraph (j), revise the draft plan:

(j) the Director-General shall comply with paragraph (i) before—

(i) the expiration of 8 months after the date of publication of the notice given under paragraph (a); or

(ii) such later date as may be fixed in that behalf by the Minister:

(k) the Conservation Authority shall, if so required by the Minister, consider the draft and send any written comments on the draft to the Minister and the Director-General:

(l) the Director-General, after having regard to any comments received under paragraph (k),—

(i) may amend the draft:

(ii) shall send to the Minister the draft, with any revisions, and the summary prepared under paragraph (h):

(m) the Minister shall approve the draft or send it back to the Director-General for further consideration before approving it.

(2) The Director-General may at any time review or amend any such management plan.

(3) The review of any freshwater fisheries management plan shall be dealt with under subsection (1), which shall apply with any necessary modifications.

(4) The following provisions shall also apply in relation to the review of any freshwater fisheries management plan:

(a) any freshwater fisheries management plan may be reviewed in whole or in part:

(b) a freshwater fisheries management plan shall be reviewed as a whole by the Director-General not later than 10 years after the date of its approval.

(5) Subject to subsection (6), the amendment of any freshwater fisheries management plan shall be dealt with under subsection (1), which shall apply with any necessary modifications.

(6) Where any such amendment is of such a nature that the Director-General considers that it will not materially affect the objectives or policies expressed

in the plan or the public interest in the area concerned, the amendment shall be dealt with under paragraphs (i) to (m) of subsection (1), which shall apply with any necessary modifications.

Section 17K: inserted, on 10 April 1990, by section 13(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 17K(1)(a): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

17L Sports fish and game management plans

(1) The purpose of a sports fish and game management plan is to establish objectives for the management of sports fish and game, or both, within any region or part of any region.

(2) Each Fish and Game Council shall prepare for approval by the Minister such sports fish and game management plans as are necessary for the management of sports fish and game within its area of jurisdiction.

(3) Nothing in any sports fish and game management plan shall derogate from—

(a) any provision in this Act or any other Act; or

(b) any policy approved under this Act or any other Act in respect of the area to which the plan relates, or any part of that area; or

(c) any provision in any conservation management strategy or conservation management plan or freshwater fisheries management plan.

(4) When preparing a draft sports fish and game management plan, the Fish and Game Council shall—

(a) have regard to the sustainability of sports fish and game in the area to which the plan relates; and

(b) have regard to the impact that the management proposed in the draft is likely to have on other natural resources and other users of the habitat concerned; and

(c) include such provisions as may be necessary to maximise recreational opportunities for hunters and anglers.

Section 17L: inserted, on 10 April 1990, by section 13(1) of the Conservation Law Reform Act 1990 (1990 No 31).

17M Procedure for preparation, approval, review, and amendment of sports fish and game management plans

(1) Every draft sports fish and game management plan shall be prepared by a Fish and Game Council in the manner provided in subsection (2).

(2) The following provisions shall apply to the preparation and approval of sports fish and game management plans:

(a) the Fish and Game Council—

(i) shall publish a notice of the draft plan either in some newspaper circulating in the area in which the subject matter of the notice is situated or, if the draft is of national importance, at least once in each of 5 daily newspapers published in Auckland, Hamilton, Wellington, Christchurch, and Dunedin, respectively; and

(ii) shall give notice of the draft plan to the Director-General and, so far as is practicable, to representatives of the appropriate iwi authorities, and to the appropriate regional councils and territorial authorities within the meaning of the Local Government Act 2002; and

(iii) may give such further notice of the draft plan as the Fish and Game Council thinks fit; and

(iv) shall, in every notice under this paragraph, invite persons or organisations to send to the Fish and Game Council written submissions on the proposal before the date specified in that behalf in the notice, being a date not less than 40 working days after the date of the publication of the notice; and

(v) shall consult with such other persons or organisations, in such manner, as the Fish and Game Council considers practicable and appropriate; and

(vi) shall give full consideration to any submissions and opinion made known to the Fish and Game Council:

(b) every notice under paragraph (a) shall state that the draft plan is available for inspection at the places and times specified in the notice:

(c) from the date of public notification of a draft plan until public opinion of it has been made known to the Fish and Game Council, the draft shall be made available by the Fish and Game Council for public inspection during normal office hours, in such places and quantities as are likely to encourage public participation in the development of the proposal:

(d) the Fish and Game Council shall give every person or organisation who or which, in making any submissions on the draft, asked to be heard in support of his or her or its submissions a reasonable opportunity of appearing before a meeting of representatives of the Fish and Game Council:

(e) the Fish and Game Council shall prepare a summary of the submissions received on the draft and public opinion made known about it:

(f) the Fish and Game Council shall send the draft to the Minister with the summary prepared under paragraph (e) and a written statement of any matters of content on which the Director-General and the Council are unable to agree:

(g) the Minister shall approve the draft or send it back to the Fish and Game Council for further consideration before approving it.

(3) The Fish and Game Council may at any time review or amend any sports fish and game management plan.

(4) Subject to subsection (6), the review of any sports fish and game management plan and amendments shall be dealt with under subsection (2), which shall apply with any necessary modifications.

(5) The following provision shall also apply in relation to the review of any sports fish and game management plan:

(a) any sports fish and game management plan may be reviewed in whole or in part:

(b) a sports fish and game management plan shall be reviewed as a whole by the Fish and Game Council not later than 10 years after the date of its approval:

(c) the Minister may, after consultation with the Fish and Game Councils affected, extend that period of review.

(6) Where the proposed amendment of any sports fish and game management plan is of such a nature that the Fish and Game Council considers that it will not materially affect the objectives or policies expressed in the plan or the public interest in the area concerned, the amendment shall be dealt with under paragraphs (e) to (g) of subsection (2), which shall apply with any necessary modifications.

Section 17M: inserted, on 10 April 1990, by section 13(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 17M(2)(a)(ii): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

17N Effect of general policies, conservation management strategies, and management plans

(1) Every statement of general policy approved under section 17B(3)(m) or section 17C, every conservation management strategy, and every conservation management plan, freshwater fisheries management plan, and sports fish and game management plan shall have effect on and from the date on which it is approved, or on such later date as may be specified in that behalf in the statement or strategy or plan.

(2) No such statement or strategy or plan shall restrict or affect the exercise of any legal right or power by any person other than the Minister or the Director-General or any Fish and Game Council.

(3) *[Repealed]*

(4) Every such statement, strategy, and plan shall be available for public inspection during ordinary office hours at the Department's Head Office, and at such other places as the Director-General thinks its public availability is desirable.

(5) Sports fish and game management plans, and policies relating to sports fish and game that are general policies or are established by the New Zealand Fish and Game Council, shall be available at the offices of the New Zealand Fish and Game Council and the Fish and Game Councils affected by them.

(6) Where any such strategy or plan or any review or amendment of any such strategy or plan is approved, the Fish and Game Council that prepared, reviewed, or amended the sports fish and game management plan, or the Director-General in the case of any other strategy or plan, must give public notice of the approval, specifying the offices or places at which the strategy or plan, or reviewed or amended strategy or plan, can be inspected; and section 49(1) applies as if the notice were required to be given by the Minister.

Section 17N: inserted, on 10 April 1990, by section 13(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 17N(3): repealed, on 1 July 1996, by section 6 of the Conservation Amendment Act 1996 (1996 No 1).

Section 17N(6): substituted, on 3 June 1998, by section 2 of the Conservation Amendment Act 1998 (1998 No 33).

Part 3B
Concessions

Part 3B: inserted, on 1 July 1996, by section 7(1) of the of the Conservation Amendment Act 1996 (1996 No 1).

17O Application

(1) This Part applies to every conservation area.

(2) Except as provided in subsection (3) or subsection (4), no activity shall be carried out in a conservation area unless authorised by a concession.

(3) A concession is not required in respect of—

(a) any mining activity authorised under the Crown Minerals Act 1991 (including the transitional provisions of that Act); or

(b) any activity that is otherwise authorised by or under this Act or any Act specified in Schedule 1; or

(c) any action or event necessary for the purposes of saving or protecting life or health, or preventing serious damage to property or avoiding an actual or likely adverse effect on the environment; or

(d) any activity that is carried out by the Minister or Director-General in the exercise of his or her functions, duties, or powers under this Act or any other Act.

(4) An individual or organised group undertaking any recreational activity, whether for the benefit of the individual or members (individually or collectively) of the group, does not require a concession if the individual or group is

undertaking the activity without any specific gain or reward for that activity, whether pecuniary or otherwise.

(5) A group of the kind to which subsection (4) applies may impose on its members a reasonable charge in order to recover the reasonable expenses in organising the recreational activity.

(6) Subsection (3)(b) shall not apply to any sports fishing guide or game hunting guide who conducts any activity in a conservation area.

(7) *[Repealed]*

Section 17O: inserted, on 1 July 1996, by section 7(1) of the Conservation Amendment Act 1996 (1996 No 1).

Section 17O(7): repealed, on 10 July 2026, by section 294 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

17P Relationship with Resource Management Act 1991

(1) Except as provided in subsection (2), this Part does not relieve any person from any obligation to obtain a resource consent under the Resource Management Act 1991.

(2) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to any lease granted by the Minister.

Section 17P: replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

17Q Powers to grant concessions

(1) Subject to this Part, the Minister may grant a concession in the form of a lease, licence, permit, or easement in respect of any activity.

(2) The Minister shall not grant an easement in respect of an activity if a lease, licence, or permit may be granted in respect of the activity and the Minister considers that a lease, licence, or permit is more appropriate in that case.

(3) Part 4A does not apply to any lease or licence granted under this Part.

Section 17Q: inserted, on 1 July 1996, by section 7(1) of the Conservation Amendment Act 1996 (1996 No 1).

17R Applications for leases, licences, etc

(1) Any person may apply to the Minister for a concession to conduct an activity in a conservation area.

(2) However, a person must not apply to the Minister for a concession if—

(a) the Minister has exercised a power under section 17ZG(2)(a) to initiate a process that relates to such an application for a concession; and

(b) the application would be inconsistent with the process.

Section 17R: inserted, on 1 July 1996, by section 7(1) of the Conservation Amendment Act 1996 (1996 No 1).

Section 17R(2): added, on 20 April 2010, by section 4 of the Conservation Amendment Act 2010 (2010 No 14).

17S Contents of application

Every application for a concession must include the following information:

(a) a description of the proposed activity:

(b) a description identifying the places where the proposed activity will be carried out (including the status of those places):

(c) a description of—

  (i) the potential effects of the proposed activity:

  (ii) any actions that the applicant proposes to take to avoid, remedy, or mitigate any adverse effects of the proposed activity:

(d) details of the type of concession for which the applicant is applying:

(e) a statement of—

  (i) the proposed duration of the concession; and

  (ii) the reasons for the proposed duration:

(f) relevant information relating to the applicant, including any information relevant to the applicant's ability to carry out the proposed activity:

(g) if the applicant applies for a lease, a licence granting an interest in land, or an easement,—

  (i) reasons for the request; and

  (ii) sufficient information to satisfy the Minister that, in terms of section 17U, it is both lawful and appropriate to grant the lease, licence, or easement (as the case may be).

Section 17S: replaced, on 18 October 2017, by section 202 of the Resource Legislation Amendment Act 2017 (2017 No 15).

17SA Minister may return application that lacks required information

(1) If the Minister is satisfied that an application does not contain all of the information required by section 17S, he or she may return the application to the applicant.

(2) The Minister may only do so within 10 working days after receiving the application.

(3) If the Minister returns an application, he or she must give the applicant reasons for the decision to do so.

(4) If an application is resubmitted after having been returned, the application is to be treated as a new application.

Section 17SA: inserted, on 18 October 2017, by section 202 of the Resource Legislation Amendment Act 2017 (2017 No 15).

17SB Minister may decline application that is obviously inconsistent with Act, etc

(1) If the Minister is satisfied that an application obviously does not comply with, or is obviously inconsistent with, the provisions of this Act or any relevant conservation management strategy or conservation management plan, he or she may decline the application.

(2) The Minister may make his or her decision on the basis of the information provided in or with the application, and without making further inquiry.

(3) The Minister may only do so within 20 working days after the expiry of the period referred to in section 17SA(2).

(4) If the Minister declines an application, he or she must inform the applicant and give the applicant reasons for the decision.

Section 17SB: inserted, on 18 October 2017, by section 202 of the Resource Legislation Amendment Act 2017 (2017 No 15).

17SC Public notification of application for leases, licences, permits, or easements

(1) The Minister must publicly notify every application for—

(a) a lease; or

(b) a licence for a term (including renewals) of more than 10 years.

(2) The Minister may publicly notify any other application for a licence if, having regard to the effects of the licence, he or she considers it appropriate to do so.

(3) The Minister may publicly notify any application for a permit or an easement if, having regard to the effects of the permit or easement, he or she considers it appropriate to do so.

(4) However, this section does not apply to—

(a) an application that—

(i) does not comply with section 17R(2); or

(ii) is returned under section 17SA or 17SD; or

(iii) is declined under section 17SB:

(b) an application for the grant of a lease or licence resulting from the exercise of a right of renewal or extension, or a right to a new lease or licence, that is contained in a lease or licence.

Section 17SC: inserted, on 18 October 2017, by section 202 of the Resource Legislation Amendment Act 2017 (2017 No 15).

17SD Minister may require applicant to provide further information

(1) The Minister may, by notice in writing, require an applicant for a concession to supply any further information (including an environmental impact assessment) that the Minister considers necessary to enable a decision to be made.

(2) The applicant must provide the information within any reasonable time that is specified in the notice.

(3) An environmental impact assessment that is provided for the purposes of this section must be—

(a) in the form set out in Schedule 4 of the Resource Management Act 1991; or

(b) in any other form that the Minister requires.

(4) If the applicant does not provide all of the information within the specified time and the Minister determines that the information not provided is necessary to enable a decision to be made on the application, the Minister may return the application to the applicant with the reasons for the determination.

(5) However, the Minister cannot return the application under subsection (4) if—

(a) the applicant, within the specified time, advises the Minister that some or all of the requested information will not be provided and requests that the application be considered anyway; or

(b) the application has been publicly notified.

Section 17SD: inserted, on 18 October 2017, by section 202 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 17SD(1): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 17SD(3): replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

17SE Minister may commission report or advice

(1) The Minister may, at the applicant's expense,—

(a) commission a report or seek advice from any person (including the Director-General) on any matters raised in relation to an application:

(b) obtain, from any source, any existing relevant information on the proposed activity (or structure) that is the subject of the application.

(2) The Minister must—

(a) provide the applicant with a copy of any information obtained under subsection (1); and

(b) provide the applicant with any reasonable time that the Minister considers appropriate in which to comment on the information provided.

(3) To avoid doubt, the report or advice under subsection (1) may include a review of the application and any information provided by the applicant.

Section 17SE: inserted, on 18 October 2017, by section 202 of the Resource Legislation Amendment Act 2017 (2017 No 15).

17T Minister to consider applications

(1) The Minister must consider an application for a concession if the application—

(a) complies with section 17R(2); and

(b) is not returned under section 17SA; and

(c) is not declined under section 17SB; and

(d) is not returned under section 17SD(4).

(2) The Minister must consider the application when,—

(a) if public notification is required or the Minister considers it appropriate under section 17SC, section 49 has been complied with; and

(b) if the Minister sought further information under section 17SD,—

(i) the information has been provided; or

(ii) the time specified in the notice for providing the information has expired and the information has not been provided; and

(c) if the Minister obtained any information under section 17SE, section 17SE(2) has been complied with.

Section 17T: replaced, on 18 October 2017, by section 202 of the Resource Legislation Amendment Act 2017 (2017 No 15).

17U Matters to be considered by Minister

(1) In considering any application for a concession, the Minister shall have regard to the following matters:

(a) the nature of the activity and the type of structure or facility (if any) proposed to be constructed:

(b) the effects of the activity, structure, or facility:

(c) any measures that can reasonably and practicably be undertaken to avoid, remedy, or mitigate any adverse effects of the activity:

(d) any information received by the Minister under sections 17S, 17SD, and 17SE:

(e) any relevant environmental impact assessment, including any audit or review:

(f) any relevant oral or written submissions received as a result of any relevant public notice issued under section 49:

(g) any relevant information which may be withheld from any person in accordance with the Official Information Act 1982 or the Privacy Act 2020.

(2) The Minister may decline any application if the Minister considers that—

(a) the information available is insufficient or inadequate to enable him or her to assess the effects (including the effects of any proposed methods

to avoid, remedy, or mitigate the adverse effects) of any activity, structure, or facility; or

(b) there are no adequate methods or no reasonable methods for remedying, avoiding, or mitigating the adverse effects of the activity, structure, or facility.

(3) The Minister shall not grant an application for a concession if the proposed activity is contrary to the provisions of this Act or the purposes for which the land concerned is held.

(4) The Minister shall not grant any application for a concession to build a structure or facility, or to extend or add to an existing structure or facility, where he or she is satisfied that the activity—

(a) could reasonably be undertaken in another location that—

(i) is outside the conservation area to which the application relates; or

(ii) is in another conservation area or in another part of the conservation area to which the application relates, where the potential adverse effects would be significantly less; or

(b) could reasonably use an existing structure or facility or the existing structure or facility without the addition.

(5) The Minister may grant a lease or a licence (other than a *profit à prendre*) granting an interest in land only if—

(a) the lease or licence relates to 1 or more fixed structures and facilities (which structures and facilities do not include any track or road except where the track or road is an integral part of a larger facility); and

(b) in any case where the application includes an area or areas around the structure or facility,—

(i) either—

(A) it is necessary for the purposes of safety or security of the site, structure, or facility to include any area or areas (including any security fence) around the structure or facility; or

(B) it is necessary to include any clearly defined area or areas that are an integral part of the activity on the land; and

(ii) the grant of a lease or licence granting an interest in land is essential to enable the activity to be carried on.

(6) No lease may be granted unless the applicant satisfies the Minister that exclusive possession is necessary for—

(a) the protection of public safety; or

(b) the protection of the physical security of the activity concerned; or

(c) the competent operation of the activity concerned.

(7) For the purposes of subsection (6), the competent operation of an activity includes the necessity for the activity to achieve adequate investment and maintenance.

(8) Nothing in this Act or any other Act requires the Minister to grant any concession if he or she considers that the grant of a concession is inappropriate in the circumstances of the particular application having regard to the matters set out in this section.

Section 17U: inserted, on 1 July 1996, by section 7(1) of the Conservation Amendment Act 1996 (1996 No 1).

Section 17U(1)(d): amended, on 18 October 2017, by section 203(1) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 17U(1)(g): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 17U(8): inserted, on 18 October 2017, by section 203(2) of the Resource Legislation Amendment Act 2017 (2017 No 15).

17V Limitations on concessions and leases over marginal strips

(1) Without limiting the power of the Minister to grant a concession over a conservation area that is a marginal strip, the Minister may decline to grant a concession in any case if he or she is satisfied that it is more appropriate in that case to enter into any agreement or arrangement under section 24H.

(2) No concession may authorise the owner of any land adjoining a marginal strip to use the marginal strip for farming purposes or forestry purposes or any purpose associated with or incidental to any farming or forestry carried out on the adjoining land; but nothing in the preceding provisions of this subsection limits or affects section 24H.

(3) The Minister shall not grant a lease (other than a lease that formalises an occupation of the land, where that occupation existed before 10 April 1990) over a marginal strip unless he or she is satisfied that—

(a) the grant is permitted by this Part; and

(b) the activities authorised by the lease require the use of both the marginal strip and the adjacent water; and

(c) the land, structures, and facilities to which the lease relates are essential to the carrying out of such activities.

Section 17V: inserted, on 1 July 1996, by section 7(1) of the Conservation Amendment Act 1996 (1996 No 1).

17W Relationship between concessions and conservation management strategies and plans

(1) Where a conservation management strategy or conservation management plan has been established for a conservation area and the strategy or plan provides for the issue of a concession, a concession shall not be granted in that case unless the concession and its granting is consistent with the strategy or plan.

(2) Where—

(a) there is no conservation management strategy or conservation management plan for a conservation area; or

(b) the relevant conservation management strategy or conservation management plan does not make any provision for the activity to which the application relates in a conservation area,—

the Minister, after complying with the provisions of sections 17S, 17T, and 17U, may grant a concession.

(3) The Minister may decline any application, whether or not it is in accordance with any relevant conservation management strategy or conservation management plan, if he or she considers that the effects of the activity are such that a review of the strategy or plan, or the preparation of a strategy or plan, is more appropriate.

(4) On declining an application under subsection (3), the Minister, if requested by the applicant to do so and after consultation with the relevant Conservation Board, may initiate a review of the strategy or plan pursuant to section 17H or the preparation of a strategy or plan under this Act.

(5) The Minister may require the applicant to pay all or part of the reasonable costs of such a review or the preparation of a strategy or plan.

(6) Subsection (4) does not affect the power of the Director-General to initiate a review or an amendment to a strategy or plan under section 17H or section 17I.

(7) It shall be a condition of every concession document that the concessionaire must act in accordance with every relevant conservation management strategy and conservation management plan for the time being in force, including any amendments to the strategy or plan, whether the strategy or plan or amendment was approved before or on or after the date on which the concession became effective; and that condition shall be deemed to be included in every concession document.

(8) Any provision of a concession document that contravenes or allows expressly or by implication any action or default on the part of the concessionaire in contravention of the strategy or plan shall have no effect and any breach or contravention of the strategy or plan shall be deemed to be a breach or contravention of the concession and concession document.

Section 17W: inserted, on 1 July 1996, by section 7(1) of the Conservation Amendment Act 1996 (1996 No 1).

17X Power of Minister to impose and enforce conditions

In granting any concession, the Minister may impose such conditions as he or she considers appropriate for the activity, structure, or facility, including (but not limited to) conditions relating to or providing for—

(a) the activity itself, the carrying out of the activity, and the places where it may be carried out:

(b) the name and full address of every person or body to whom the concession is granted and who may carry out the activity:

(c) the payment of rent, fees, and royalties as provided in section 17Y:

(d) the payment of compensation for any adverse effects of the activity on the Crown's or public interest in the land concerned, unless such compensation has been provided for in the setting of rent:

(e) the provision by the concessionaire of bonds—

(i) to cover any costs incurred by the Minister in carrying out work that the concessionaire has failed to carry out and that was required by the concession document to be carried out; or

(ii) to mitigate any adverse effects arising from but not authorised by the concession or not reasonably foreseen at the time the concession was granted:

(f) the waiver or reduction of any rent, compensation, or bond where—

(i) the concessionaire makes any contribution to the management of the lands or the public interest in those lands; or

(ii) there is any other non-commercial public benefit from the activity; or

(iii) any circumstances of the concession justify such waiver or reduction; or

(iv) the costs of setting and collecting the rent exceed any rent which may be collected:

(g) the restoration of the site and the removal of any structure or facility at the expense of the concessionaire or the vesting in the Crown of any structure or facility at the end of the term of the concession:

(h) periodic reviews of the terms and conditions (including rents) of the concession:

(i) a covenant that on any transfer, sublease, sublicence, or assignment of a concession, the concessionaire shall remain liable throughout the term (including renewals) of the lease or licence or easement and shall procure from the transferee or sublessee or sublicensee or assignee a covenant to be bound by the conditions of the lease or licence or easement:

(j) the payment of any fees (including legal fees) in respect of the preparation of the concession document and its registration (where necessary), being fees payable in addition to any fees payable under sections 60A to 60D.

Section 17X: inserted, on 1 July 1996, by section 7(1) of the Conservation Amendment Act 1996 (1996 No 1).

17Y Rents, fees, and royalties

(1) It shall be a condition of the Minister's granting a concession under this Part that the person or body to whom the concession is granted—

(a) shall pay any specified rents, fees, and royalties to the Minister; and

(b) shall pay any other levy or charge made on an occupier or owner of land, as a result of the grant of a lease, licence, or easement, either to the Minister or as directed by the Minister.

(2) The rent, fee, or royalty may be fixed at the market value, having regard to—

(a) any circumstances relating to the nature of the activity; and

(b) the effects of the activity on the purposes of the area affected; and

(c) any contractual conditions, covenants, or other encumbrances placed upon intrinsic resources, natural resources, or historic resources by the concession.

(3) Rent, fees, and royalties for a concession shall be reviewed at intervals not exceeding 3 years.

Section 17Y: inserted, on 1 July 1996, by section 7(1) of the Conservation Amendment Act 1996 (1996 No 1).

17Z Term of concession

(1) A lease or a licence may be granted for a term (which term shall include all renewals of the lease or licence) not exceeding 30 years or, where the Minister is satisfied that there are exceptional circumstances, for a term not exceeding 60 years.

(2) A permit may be granted for a term not exceeding 10 years but shall not be renewable.

(3) An easement may be granted for a term not exceeding 30 years, but—

(a) in exceptional circumstances, the Minister may grant a term not exceeding 60 years:

(b) where the easement provides a right of way access to a property to which there is no other practical access, the term may be for such longer period as the Minister considers appropriate:

(c) where the easement is for a public work (as defined in the Public Works Act 1981), the term may be for the reasonably foreseeable duration of that public work.

Section 17Z: inserted, on 1 July 1996, by section 7(1) of the Conservation Amendment Act 1996 (1996 No 1).

Section 17Z(2): amended, on 20 April 2010, by section 6 of the Conservation Amendment Act 2010 (2010 No 14).

17ZAA Concession may continue after application for new concession

(1) This section applies if—

(a) a concession is due to expire; and

(b) the concessionaire applies for a new concession for the same activity; and

(c) the application complies with section 17R and includes the information required by section 17S(1) and (2); and

(d) the application meets the timing requirement in subsection (2) or (3); and

(e) the concessionaire has complied with the terms and conditions of the existing concession.

(2) The application meets the timing requirement if it is made at least 6 months before the existing concession expires.

(3) The application also meets the timing requirement if—

(a) it is made in the period starting 6 months before, and ending 3 months before, the existing concession expires; and

(b) the Minister, in his or her discretion, allows the application to be made within that period.

Minister decides to grant new concession

(4) Subsection (5) applies if—

(a) the Minister decides to grant the new concession; and

(b) the concessionaire does not apply for reconsideration under section 17ZJ(b) before 1 of the following things happens:

(i) the new concession document is signed by the parties:

(ii) the specified deadline is reached.

(5) The concessionaire may continue to operate under the existing concession until 1 of the things described in subsection (4)(b)(i) and (ii) happens.

(6) Subsection (7) applies if—

(a) the Minister decides to grant the new concession; and

(b) the concessionaire applies for reconsideration under section 17ZJ(b) before 1 of the following things happens:

(i) the new concession document is signed by the parties:

(ii) the specified deadline is reached.

(7) The concessionaire may continue to operate under the existing concession until 1 of the following things happens:

(a) the new concession document is signed by the parties:

(b) the Minister completes or declines to carry out the reconsideration.

Minister declines to grant new concession

(8) Subsection (9) applies if—

(a) the Minister declines to grant the new concession; and

(b) the concessionaire does not apply for reconsideration under section 17ZJ(a) before the specified deadline.

(9) The concessionaire may continue to operate under the existing concession until the specified deadline.

(10) Subsection (11) applies if—

(a) the Minister declines to grant the new concession; and

(b) the concessionaire applies for reconsideration under section 17ZJ(a) before the specified deadline.

(11) The concessionaire may continue to operate under the existing concession until the Minister completes or declines to carry out the reconsideration.

(12) This section does not apply to an existing concession if section 17ZAAB already applies to the concession.

Meaning of specified deadline

(13) In this section, **specified deadline** means the sooner of the following times:

(a) the end of the day that is 1 month after the day of the Minister's decision to grant or to decline to grant the new concession:

(b) the end of any time limit for the concessionaire to apply for reconsideration under section 17ZJ that is prescribed by regulations made under section 48AA, including any extension of the time limit.

Section 17ZAA: inserted, on 31 August 2012, by section 4 of the Conservation Amendment Act 2012 (2012 No 61).

17ZAAB Concession may continue after process initiated under section 17ZG(2)(a)

(1) This section applies if—

(a) a concession is due to expire; and

(b) the Minister has exercised a power under section 17ZG(2)(a) to initiate a process that relates to an application for a concession; and

(c) an application by the concessionaire for a new concession for the same activity would be inconsistent with the process if the application were made when written notice is given under paragraph (d); and

(d) the concessionaire gives written notice to the Minister that the concessionaire wants to continue to operate under the existing concession under this section; and

(e) the written notice meets the timing requirement in subsection (2) or (3); and

(f) the concessionaire has complied with the terms and conditions of the existing concession.

(2) The written notice meets the timing requirement if it is given at least 6 months before the existing concession expires.

(3) The written notice also meets the timing requirement if—

(a) it is given in the period starting 6 months before, and ending 3 months before, the existing concession expires; and

(b) the Minister, in his or her discretion, allows the written notice to be given within that period.

(4) The concessionaire may continue to operate under the existing concession until—

(a) the Minister has decided to grant or to decline to grant a concession for each application made in accordance with the process initiated under section 17ZG(2)(a); and

(b) each applicant's right to apply for reconsideration under section 17ZJ has been resolved as described in subsection (6), (8), (10), or (12).

Minister decides to grant applicant's concession

(5) Subsection (6) applies if—

(a) the Minister decides to grant the applicant's concession; and

(b) the applicant does not apply for reconsideration under section 17ZJ(b) before 1 of the following things happens:

(i) the concession document is signed by the parties:

(ii) the specified deadline is reached.

(6) The applicant's right to apply for reconsideration is resolved when 1 of the things described in subsection (5)(b)(i) and (ii) happens.

(7) Subsection (8) applies if—

(a) the Minister decides to grant the applicant's concession; and

(b) the applicant applies for reconsideration under section 17ZJ(b) before 1 of the following things happens:

(i) the concession document is signed by the parties:

(ii) the specified deadline is reached.

(8) The applicant's right to apply for reconsideration is resolved when 1 of the following things happens:

(a) the concession document is signed by the parties:

(b) the Minister completes or declines to carry out the reconsideration.

Minister declines to grant applicant's concession

(9) Subsection (10) applies if—

(a) the Minister declines to grant the applicant's concession; and

(b) the applicant does not apply for reconsideration under section 17ZJ(a) before the specified deadline.

(10) The applicant's right to apply for reconsideration is resolved when the specified deadline is reached.

(11) Subsection (12) applies if—

(a) the Minister declines to grant the applicant's concession; and

(b) the applicant applies for reconsideration under section 17ZJ(a) before the specified deadline.

(12) The applicant's right to apply for reconsideration is resolved when the Minister completes or declines to carry out the reconsideration.

(13) This section does not apply to an existing concession if section 17ZAA already applies to the concession.

Meaning of specified deadline

(14) In this section, **specified deadline** means the sooner of the following times:

(a) the end of the day that is 1 month after the day of the Minister's decision to grant or to decline to grant the relevant applicant's concession:

(b) the end of any time limit for the relevant applicant to apply for reconsideration under section 17ZJ that is prescribed by regulations made under section 48AA, including any extension of the time limit.

Section 17ZAAB: inserted, on 31 August 2012, by section 4 of the Conservation Amendment Act 2012 (2012 No 61).

17ZA Registration of easements

(1) For the purpose of granting any easement over any conservation area, the Minister is hereby deemed to be the registered owner of that conservation area.

(2) *[Repealed]*

(3) *[Repealed]*

(4) *[Repealed]*

Section 17ZA: inserted, on 1 July 1996, by section 7(1) of the Conservation Amendment Act 1996 (1996 No 1).

Section 17ZA(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 17ZA(2): repealed, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 17ZA(3): repealed, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 17ZA(4): repealed, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

17ZB Accounts

(1) The Minister may, to assist himself or herself in verifying any rent, fees, or royalties, or amount of any compensation or bond, require any body or person

who has been granted a concession under this Part in respect of any activity to provide a complete statement of audited financial accounts and any other relevant information for that part of the activity that is carried out under the concession on or in any conservation area.

(2) The accounts shall be forwarded to the Minister not later than 3 months after the end of the financial year in respect of which they are required.

(3) The contravention of or failure to comply with subsection (2) shall be a breach of the concession.

Section 17ZB: inserted, on 1 July 1996, by section 7(1) of the Conservation Amendment Act 1996 (1996 No 1).

17ZC Changing conditions

(1) The Minister and the concessionaire may at any time, by agreement in writing and without any public notification, vary any conditions in the concession document where—

(a) the variation is of a minor and technical nature and does not materially increase the adverse effects of the activity or the term of the activity or materially change the location of the activity; or

(b) the variation will result in a reduction of the adverse effects or the duration of the activity.

(2) The concessionaire may at any time apply to the Minister for a variation or extension to the concession and such application shall be treated as if it were an application for a concession; and the provisions of sections 17S to 17ZB shall apply accordingly.

(3) The Minister, on request or on his or her own motion, may vary the conditions of a concession where—

(a) the variation is the result of a review provided for in the concession document; or

(b) the variation is necessary to deal with significant adverse effects of the activity that were not reasonably foreseeable at the time the concession was granted; or

(c) the variation is necessary because the information made available to the Minister by the concessionaire for the purposes of the concessionaire's application contained inaccuracies that materially influenced the decision to grant a concession and the effects of the activity permitted by the concession require more appropriate conditions;—

and the concessionaire shall be bound by every such variation.

(4) An instrument of any variation or extension must be executed by the Minister and by the concessionaire and, if it relates to a lease or licence or easement registered under the Land Transfer Act 2017, must be registered under that Act.

(5) If the instrument of variation or extension relates to a lease for which a record of title has been issued, the memorandum must be noted on the record of title.

(6) If the interest of the concessionaire is at the time of registration of the instrument of variation or extension subject to a mortgage, the instrument shall not be binding on the mortgagee unless the mortgagee has consented to the variation or extension in writing in the instrument.

Section 17ZC: inserted, on 1 July 1996, by section 7(1) of the Conservation Amendment Act 1996 (1996 No 1).

Section 17ZC(4): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 17ZC(5): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 17ZC(6): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

17ZD Failure to execute or exercise concession document

(1) If any applicant for a concession who has been granted a concession fails to sign the applicant's concession document within 1 month after being required by written notice to do so, the Minister may cancel the grant of the concession to that person.

(2) A concession lapses on the expiry of 2 years after the date of commencement of the concession, or after the expiry of such longer period as the Minister may allow, unless the concession is exercised before the end of that period.

(3) Any money paid under the concession (including any money paid under any of sections 60A to 60D) shall, unless the Minister otherwise directs, be forfeit to the Minister.

(4) Any activity carried on by the concessionaire under a concession that has been cancelled under subsection (1) or has lapsed under subsection (2) shall be deemed to be an activity carried on without the authority of the Minister for the purposes of section 39.

Section 17ZD: inserted, on 1 July 1996, by section 7(1) of the Conservation Amendment Act 1996 (1996 No 1).

17ZE Transfers, subleases, and mortgages

(1) Where a concession document includes a right to transfer, sublease, assign, mortgage, or otherwise dispose of the concessionaire's interest, the concessionaire shall not transfer, sublease, assign, mortgage, or otherwise dispose of the concessionaire's interest or any part thereof without the consent of the Minister.

(2) The Minister shall at all times have power in the public interest, and in his or her discretion, to refuse any application for consent whatever or to grant his or her consent subject to such conditions as he or she thinks fit.

(3) Unless the concession document otherwise provides, the provisions of sections 17P, 17S, 17T, 17U, 17W, 17X, 17ZB, and 17ZC apply to any application to

transfer, sublease, assign, mortgage, or otherwise dispose of a concessionaire's interest in a concession or any part of a concession.

Section 17ZE: inserted, on 1 July 1996, by section 7(1) of the Conservation Amendment Act 1996 (1996 No 1).

17ZF Aircraft

(1) No aircraft shall land or take off from any site within a conservation area that is not a certified aerodrome unless—

(a) there is an emergency arising from—

(i) mechanical or structural or operational defects in the aircraft or its equipment; or

(ii) weather conditions or other causes not under the control of the pilot in command; or

(b) the action is necessary to establish, construct, operate, maintain, repair, or replace a maritime navigational aid; or

(c) a concession has been obtained for the purpose from the Minister.

(2) Any concession document granted for such purpose by the Minister shall be in the possession of the operator and have been sighted by the pilot in command of the aircraft prior to landing or taking off.

(3) This section does not apply to any aircraft operated by the New Zealand Defence Force or the Civil Aviation Authority of New Zealand.

(4) Nothing in this section implies any responsibility by the Minister or liability for the safety of any aircraft or person aboard an aircraft while the aircraft is in the air or landing.

(5) For the purposes of this section, **landing** includes the hovering of any aircraft and the setting down or taking on of goods or persons from an aircraft.

Section 17ZF: inserted, on 1 July 1996, by section 7(1) of the Conservation Amendment Act 1996 (1996 No 1).

17ZG Management activities

(1) Subject to this Act, nothing in this Part shall affect or limit the proper exercise by the Minister or Director-General of any power to manage any land held or managed under this Act or any Act specified in Schedule 1.

(2) Without limiting any power exercisable by the Minister, the Minister may—

(a) tender the right to make an application, invite applications, or carry out other actions that may encourage specific applications:

(b) include in any concession provisions for the concessionaire to carry on activities relating to the management of any conservation area on behalf of the Minister or at any time enter into any agreement providing for the concessionaire to carry out such activities.

Section 17ZG: inserted, on 1 July 1996, by section 7(1) of the Conservation Amendment Act 1996 (1996 No 1).

17ZH Powers of Minister where services are provided by the Minister or the Director-General

Where any community service, benefit, or facility has been provided by the Minister or the Director-General, whether within or outside a conservation area, for the benefit of concessionaires either occupying any part of the conservation area or undertaking any activity within the area under any concession document—

(a) the Minister may, in accordance with this section and the relevant concession document, assess the amount of contribution to be paid to the Minister by the concessionaires towards the cost of providing and maintaining that service, benefit, or facility:

(b) the contribution assessed under paragraph (a) in respect of the capital cost of providing any such service, benefit, or facility shall be apportioned by the Minister among those concessionaires in such manner as he or she thinks fit and shall be paid in 1 amount or over a period of years as the Minister may determine, and the Minister may in like manner apportion among those concessionaires an annual contribution to be paid by them to the Minister to meet the cost of maintaining any such service, benefit, or facility:

(c) the amount apportioned by the Minister to be paid by any concessionaire shall be due and payable to and recoverable by the Minister on the expiration of 3 months after the service of a demand made on the concessionaire by the Minister or the Director-General:

(d) if the amount so apportioned is not paid by the due date, interest shall be payable by the concessionaire from the due date until payment in full at such rate as is from time to time fixed by the Minister:

(e) where any amount so apportioned is not paid in full by the due date, the concessionaire shall be deemed to have committed a breach of his or her or its concession:

(f) the Minister may exempt any concessionaire from payment of the whole or any part of any amount apportioned by the Minister or the Director-General under the foregoing provisions of this section, or may grant such relief to the concessionaire as he or she considers appropriate in the circumstances.

Compare: 1980 No 66 s 53

Section 17ZH: inserted, on 1 July 1996, by section 7(1) of the Conservation Amendment Act 1996 (1996 No 1).

17ZI Records

The Director-General shall keep reasonably available for public inspection during usual business hours at such office or offices in the locality where the relevant concession applies, as may be specified by the Director-General,—

(a) records of each application for a concession received by the Minister; and

(b) details of any public notification of the application; and

(c) the decision made on the application.

Section 17ZI: inserted, on 1 July 1996, by section 7(1) of the Conservation Amendment Act 1996 (1996 No 1).

17ZJ Reconsideration of decisions

Without limiting any other provision in this Part, upon application by an applicant for a concession,—

(a) where the Minister has declined to grant a concession to the applicant, the Minister may reconsider that decision:

(b) where the Minister has decided to grant a concession to the applicant, the Minister may reconsider any decision made by the Minister in relation to the proposed concession if the application under this section is made before a concession document is executed.

Section 17ZJ: inserted, on 1 July 1996, by section 7(1) of the Conservation Amendment Act 1996 (1996 No 1).

Part 4
Specially protected areas

18AA Governor-General may confer additional protection or preservation requirements

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, declare any conservation area—

(a) to be held for the purpose of a wilderness area, a sanctuary area, or both; and

(b) to have the official geographic name stated in the order.

(2) Before making a recommendation under subsection (1), the Minister must—

(a) refer the proposed name to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa for review under subpart 3 of Part 2 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008; and

(b) give public notice of the intention to recommend the making of the order that includes the proposed name for the area.

(3) Section 49 applies, with the necessary modifications, to a notice given under subsection (2)(b).

(4) A conservation area declared to be held for the purpose of a wilderness area, a sanctuary area, or both, under this section must be managed in a manner that is consistent with that purpose or those purposes (as the case may be).

(5) The Governor-General may, by Order in Council made on the recommendation of the Minister, vary or revoke the purpose, or all or any of the purposes, for which any conservation area held under subsection (1) is held, and the land is to be held accordingly as provided in the order.

(6) Before making a recommendation under subsection (5), the Minister must give public notice of the intention to recommend the making of the order, and section 49 applies with the necessary modifications.

(7) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 18AA: inserted, on 24 May 2013, by section 6 of the Conservation Amendment Act 2013 (2013 No 15).

Section 18AA(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

18AB Governor-General may declare that wetland be notified to Ramsar Secretariat

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister,—

(a) specify a wetland and the details of the area of the wetland; and

(b) declare that the Minister for the time being responsible for the Ramsar Administrative Authority must notify the Ramsar Secretariat of the wetland and the details of the area of the wetland; and

(c) declare that the wetland is to have the official geographic name stated in the order.

(2) Before making a recommendation under subsection (1), the Minister must refer the proposed name to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa for review under subpart 3 of Part 2 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

(3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 18AB: inserted, on 24 May 2013, by section 6 of the Conservation Amendment Act 2013 (2013 No 15).

Section 18AB(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

18 Minister may confer additional specific protection or preservation requirements

(1) Subject to subsections (2) to (4), the Minister may, by notice in the *Gazette* describing the land concerned, declare any land or interest in land, held under this Act for conservation purposes to be held for the purpose of a conservation park, an ecological area, for any other specified purpose or purposes, or for 2 or more of those purposes; and, subject to this Act, it shall thereafter so be held.

(2) The Minister shall give public notice of intention to give a notice under subsection (1); and section 49 shall apply accordingly.

(3) The public notice referred to in subsection (2) must specify the proposed name for the proposed park or area.

(3A) After considering any submissions received in response to the public notice given under subsection (2), the Minister must refer the proposed name to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa for review under section 27(3) of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008; and the provisions of sections 28 to 31 of that Act apply.

(3B) The area for which a name is specified and determined under subsections (3) and (3A) must be known by its official geographic name.

(4) Where any land or interest is declared to be held for the purpose of an ecological area under subsection (1), the notice concerned shall specify the particular scientific value for which it is held.

(5) Every area held under this Act for 1 or more of the purposes described in subsection (1) shall be managed in a manner consistent with the purpose or purposes concerned.

(6) Nothing in sections 19 to 24 limits the generality of subsection (5).

(7) Subject to subsection (8), the Minister may, by notice in the *Gazette*, vary or revoke the purpose, or all or any of the purposes, for which any land or interest held under subsection (1) is held; and it shall thereafter be held accordingly.

(8) Before varying or revoking any purpose under subsection (7), the Minister shall give public notice of intention to do so; and section 49 shall apply accordingly.

Section 18(1): amended, on 24 May 2013, by section 7 of the Conservation Amendment Act 2013 (2013 No 15).

Section 18(3): substituted, on 1 November 2008, by section 38 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 (2008 No 30).

Section 18(3A): inserted, on 1 November 2008, by section 38 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 (2008 No 30).

Section 18(3B): inserted, on 1 November 2008, by section 38 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 (2008 No 30).

19 Conservation parks

(1) Every conservation park shall so be managed—

(a) that its natural and historic resources are protected; and

(b) subject to paragraph (a), to facilitate public recreation and enjoyment.

(2) Where a committee is constituted by or under regulations made under subsection (3) in respect of any conservation park, it may advise the Minister on the area's management.

(3) The Governor-General may from time to time, by Order in Council, make regulations constituting, or providing for the constitution, appointment, or election, of a committee to advise the Minister on the management of any conservation park or parks, and defining its functions.

(4) Regulations under subsection (3) may be so made as to apply to—

(a) all conservation parks, parks of any class or description, or to any specified conservation park or parks:

(b) all committees constituted by or under regulations made under subsection (3), or to any such committee or committees.

(5) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 19(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

20 Wilderness areas

(1) Subject to subsections (2) to (4), the following provisions apply to every wilderness area:

(a) its indigenous natural resources shall be preserved:

(b) no building or machinery shall be erected on it:

(c) no building, machinery, or apparatus shall be constructed or maintained on it:

(d) no livestock, vehicles, or motorised vessels (including hovercraft and jet boats) shall be allowed to be taken into or used in it and no helicopter or other motorised aircraft shall land or take off or hover for the purpose of embarking or disembarking passengers or goods in it:

(e) no roads, tracks, or trails shall be constructed on it.

(2) If—

(a) the doing of anything on a wilderness area is in conformity with the conservation management strategy or conservation management plan for the area; and

(b) the Minister is satisfied that its doing is desirable or necessary for the preservation of the area's indigenous natural resources,—

the Minister may authorise it.

(3) If satisfied that the undertaking of any scientific test or study in a wilderness area is necessary or desirable for the preservation of indigenous natural resources, the Minister may authorise it.

(4) Nothing in subsection (1) prevents the doing of any thing for any person's protection, or because of some emergency involving any person's property.

Section 20(1)(d): substituted, on 25 November 1994, by section 8(1) of the Conservation Amendment Act 1994 (1994 No 108).

Section 20(2)(a): amended, on 10 April 1990, by section 14 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 20(3): substituted, on 25 November 1994, by section 8(2) of the Conservation Amendment Act 1994 (1994 No 108).

21 Ecological areas

Every ecological area shall so be managed as to protect the value for which it is held.

22 Sanctuary areas

Every sanctuary area shall be managed to preserve in their natural state the indigenous plants and animals in it, and for scientific and other similar purposes.

23 Watercourse areas

(1) Subject to subsections (2) and (3), if satisfied that any land that is—

(a) land held under this Act for conservation purposes; or

(b) a reserve classified pursuant to section 16 of the Reserves Act 1977; or

(c) held under section 21(2)(a) of the Queen Elizabeth the Second National Trust Act 1977; or

(d) subject to an agreement under section 76 or section 77 of the Reserves Act 1977, section 22 of the Queen Elizabeth the Second National Trust Act 1977, or section 39 of the Heritage New Zealand Pouhere Taonga Act 2014,—

adjoins any river, lake, or stream, for which a water conservation order has been made under the Resource Management Act 1991, or that is otherwise protected, and has, when considered with the river, lake, or stream, outstanding wild, scenic, or other natural or recreational characteristics, the Minister may, by notice in the *Gazette*, declare it to be held for the purpose of a watercourse area; and, subject to this Act, it shall thereafter be so held.

(2) No land to which paragraph (c) of subsection (1) applies shall be declared to be held for the purpose of a watercourse area under that subsection without the consent of the Queen Elizabeth the Second National Trust.

(3) No land to which paragraph (d) of subsection (1) applies shall be declared to be held for the purpose of a watercourse area under that subsection without the consent of its owner.

(4) A watercourse area that was a reserve immediately before it became such an area does not thereby cease to be a reserve.

(5) Subject to any water conservation order or other protective status that applies to it, every watercourse area shall so be managed—

(a) as to protect the wild, scenic, and other natural or recreational characteristics that it has when considered with the river, lake, or stream, concerned; and

(b) that its administration and management are, so far as is practicable, co-ordinated with the administration and management of other watercourse areas.

(6) The Minister may, after giving public notice of intention to do so, by notice in the *Gazette*, declare that all or any part of any watercourse area is no longer held for the purpose of a watercourse area.

Section 23(1): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 23(1): amended, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 23(1)(d): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

23A Amenity areas

Every amenity area shall be so managed—

(a) that its indigenous natural resources and its historic resources are protected; and

(b) subject to paragraph (a), to contribute to and facilitate people's appreciation of its indigenous natural resources and its historic resources; and

(c) subject to paragraphs (a) and (b), to foster the recreational attributes of the area.

Section 23A: inserted, on 13 March 1996, by section 8 of the Conservation Amendment Act 1996 (1996 No 1).

23B Wildlife management areas

(1) Every wildlife management area shall be so managed—

(a) that its wildlife and wildlife habitat values (including the capacity for the movement of wildlife, genetic material of indigenous plants, and genetic material of wildlife) are protected; and

(b) that its indigenous natural resources and its historic resources are protected.

(2) For the purposes of this section, the term **wildlife** means any native animal.

Section 23B: inserted, on 13 March 1996, by section 8 of the Conservation Amendment Act 1996 (1996 No 1).

Part 4A
Marginal strips

Part 4A: inserted, on 10 April 1990, by section 15 of the Conservation Law Reform Act 1990 (1990 No 31).

24 Marginal strips reserved

(1) There shall be deemed to be reserved from the sale or other disposition of any land by the Crown a strip of land 20 metres wide extending along and abutting the landward margin of—

(a) any foreshore; or

(b) the normal level of the bed of any lake not subject to control by artificial means; or

(c) the bed of any river or any stream (not being a canal under the control of a State enterprise within the meaning of section 2 of the State-Owned Enterprises Act 1986 and used by the State enterprise for, or as part of any scheme for, the generation of electricity), being a bed that has an average width of 3 metres or more.

(2) There shall be deemed to be reserved from the sale or other disposition by the Crown of any land extending along and abutting the landward margin of any lake controlled by artificial means a strip of land that—

(a) is 20 metres wide; or

(b) has a width extending from the maximum operating water level to the maximum flood level of the lake,—

whichever is the greater.

(2A) Where the Crown proposes to sell or otherwise dispose of any land, the responsible department of State or agency shall notify the Director-General of the proposal; and the sale or other disposition shall have no effect unless and until that requirement is complied with.

(3) Every strip of land of any width that, immediately before the commencement of this section, was reserved from sale or other disposition on any Crown land by or under this Act or any other Act, whether or not the strip was reserved for any specified purpose, shall be deemed to be reserved to the Crown as marginal strip of the same width.

(4) Nothing in this section shall affect any right, title, or interest any person may have in respect of any assets or improvements lawfully existing on any marginal strip at the commencement of this section.

(5) Nothing in this section shall limit or affect section 230 of the Resource Management Act 1991.

(6) Every disposition of any land by the Crown to a State enterprise pursuant to the State-Owned Enterprises Act 1986, on or after the commencement of this section (whether the agreement to dispose of that land was entered into before that date or is entered into after that date), shall be deemed to be a disposition of land for the purposes of this section.

(7) Notwithstanding subsection (6), where the freehold of any land subject to a lease or licence under the Land Act 1948 is transferred by the Crown to Landcorp Farming Limited, the reservation of any marginal strip on any part of the land to which the lease or licence relates shall not have effect until either the lease or licence is renewed or the freehold of the area to which the lease or licence relates is transferred to the lessee or licensee, whichever first occurs.

(7A) Every disposition of land by the Crown to a Crown Research Institute pursuant to the Crown Research Institutes Act 1992 shall be deemed to be a disposition of land for the purposes of this section.

(7B) Nothing in this section applies to the vesting or proposed vesting of any reserve under section 26 of the Reserves Act 1977.

(7C) Nothing in this section applies to the vesting of a right, title, or interest in reclaimed land under section 355 of the Resource Management Act 1991 or under section 39 or 43 of the Marine and Coastal Area (Takutai Moana) Act 2011.

(8) Except as otherwise expressly provided, this section shall apply to the disposition of any land by the Crown under the provisions of any enactment.

(9) For the purposes of this section, a disposition by the Crown in relation to any land, includes—

(a) the grant of a Crown forestry licence under the Crown Forest Assets Act 1989:

(b) the grant or renewal of a lease or licence under the Land Act 1948:

(c) the vesting, pursuant to the New Zealand Railways Corporation Restructuring Act 1990, of any land held by the Crown or the New Zealand Railways Corporation in a Crown transferee company within the meaning of section 2 of that Act:

(d) the grant or renewal of a lease or licence of any land pursuant to section 12 of the New Zealand Railways Corporation Restructuring Act 1990:

(e) the sale or other disposition of land held by the New Zealand Railways Corporation to a Crown transferee company within the meaning of section 2 of the New Zealand Railways Corporation Restructuring Act 1990 or to any other person.

Section 24: substituted, on 10 April 1990, by section 15 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 24(1)(c): amended, on 14 May 1999, by section 100 of the Electricity Industry Reform Act 1998 (1998 No 88).

Section 24(2A): inserted, on 13 March 1996, by section 9(1) of the Conservation Amendment Act 1996 (1996 No 1).

Section 24(5): substituted, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 24(5): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 24(7): amended, on 12 April 2001, by clause 4 of the State-Owned Enterprises (Landcorp Farming Limited) Order 2001 (SR 2001/23).

Section 24(7): amended, on 13 March 1996, by section 9(2) of the Conservation Amendment Act 1996 (1996 No 1).

Section 24(7A): inserted, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

Section 24(7B): inserted, on 13 March 1996, by section 9(3) of the Conservation Amendment Act 1996 (1996 No 1).

Section 24(7C): inserted, on 25 November 2004, by section 103(1) of the Foreshore and Seabed Act 2004 (2004 No 93).

Section 24(7C): amended, on 1 April 2011, by section 128 of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Section 24(9): substituted, on 28 August 1990, by section 2 of the Conservation Amendment Act 1990 (1990 No 106).

24A Power to reduce width of marginal strip

(1) Notwithstanding section 24, in the case of a marginal strip extending along and abutting the landward margin of the sea or a lake, the Minister may, at any time before the disposition by the Crown of the land adjoining the marginal strip, approve the reduction of the width of the strip to not less than 3 metres if he or

she is satisfied that its value in terms of the purposes specified in section 24C will not be diminished.

(2) Notwithstanding section 24, in the case of land extending along and abutting the bed of a river or stream where—

(a) the bed is not less than 3 metres in width; and

(b) the land (including the marginal strip) contains not more than 2 hectares,—

the Minister may, at any time before the disposition by the Crown of the land, approve the reduction of the width of the strip to not less than 3 metres if he or she is satisfied that its value in terms of the purposes specified in section 24C will not be diminished.

Section 24A: inserted, on 10 April 1990, by section 15 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 24A(1): amended, on 13 March 1996, by section 10(1) of the Conservation Amendment Act 1996 (1996 No 1).

Section 24A(2): added, on 13 March 1996, by section 10(2) of the Conservation Amendment Act 1996 (1996 No 1).

24AA Power to increase width of marginal strip

(1) Where the Crown proposes to sell or otherwise dispose of any land, the proposal shall be subject to the succeeding provisions of this section.

(2) During the period of 20 working days commencing on the day after the date of the receipt of a notification under section 24(2A) in respect of the proposal,—

(a) the sale or other disposition shall not proceed; and

(b) the Director-General shall notify the responsible department or agency whether or not he or she intends to investigate the proposal to ascertain whether or not it is appropriate to increase the width of any marginal strip that would be reserved from the sale or other disposition.

(3) If the Director-General fails to notify the responsible department or agency in accordance with subsection (2)(b), the department or agency may proceed with the sale or other disposition after the expiration of the period specified in that subsection and section 24 shall apply accordingly.

(4) If the Director-General notifies the responsible department or agency in accordance with subsection (2)(b) that he or she intends to investigate the proposal,—

(a) the prohibition contained in subsection (2)(a) shall be deemed to be extended by a further 20 working days; and

(b) during that further period of 20 working days, the Minister shall advise the responsible department or agency whether or not he or she requires the reservation of a marginal strip having a width exceeding 20 metres, and, where the Minister requires the reservation of such a marginal strip, he or she shall also specify the width of the marginal strip to be reserved.

(5) In considering whether to require the reservation of any marginal strip having a width exceeding 20 metres, the Minister shall have regard to whether increasing the width of the marginal strip is necessary—

(a) to provide effective access along the strip; and

(b) to maintain the value of the strip in terms of the purposes specified in section 24C.

(6) Where the reservation of any marginal strip under section 24(1) creates a residual area of land that is of such size or shape that it has little or no potential use either alone or in conjunction with the remainder of the land being sold or disposed of, that residual area of land may be added to the marginal strip by agreement between the responsible department or agency, and the Minister.

(7) Where the disposition takes the form of the renewal of a lease or licence under the Land Act 1948 that is referred to in section 24(7), the lessee or licensee is entitled to a reduction in rent or fees or royalties for any injurious affection to the lessee or licensee caused by any reservation of a marginal strip having a width exceeding 20 metres.

(8) Any reduction in rent or fees or royalties payable under this section shall be assessed by the Minister responsible for the administration of the land.

(9) A lessee or licensee shall not be entitled to a reduction in rent or fees or royalties by reason only of any increase in the width of any marginal strip.

(10) The costs of and incidental to the investigation and assessment of increasing the width of any marginal strip shall be paid by the Director-General.

(11) The Minister may require that the whole or any part of a marginal strip be of a width exceeding 20 metres.

Section 24AA: inserted, on 13 March 1996, by section 11 of the Conservation Amendment Act 1996 (1996 No 1).

24B Power to declare certain dispositions to be exempt from section 24

(1) Subject to subsection (2), the Minister may at any time before the disposition by the Crown of any land extending along and abutting the bed of any river or stream (being a bed of not less than 3 metres in width), by notice in the *Gazette*, declare that section 24 shall not apply to the proposed disposition.

(2) The Minister may make a declaration under subsection (1) only if satisfied—

(a) that the land has little or no value in terms of the purposes specified in section 24C; or

(b) that any value the land has in those terms can be protected effectively by another means.

(3) Notwithstanding subsection (2), where the Minister proposes to grant an exemption under this section in respect of the renewal of a lease or licence under the Land Act 1948 but is precluded from doing so by that subsection, the

Minister may grant the exemption if satisfied that the proposal is equitable and in the public interest.

(4) The Minister may, by notice in the *Gazette*, declare that section 24 shall not apply to any proposed disposition of—

(a) land that is part of the core assets of a State enterprise within the meaning of section 2 of the State-Owned Enterprises Act 1986 that is a generator of electricity; or

(b) land that is required in connection with electricity works.

(5) A notice under subsection (4)(a) shall have effect only so long as the core assets concerned remain assets of the State enterprise.

(6) For the purposes of subsection (4)(a), the term **core assets** means—

(a) any aqueduct, bridge, boom anchor, canal, control gate, dam, flume, headrace, penstock, power station, screen, spillway, switching gear, surge chamber, tailrace, transmission tower, tunnel, or weir, used by a State enterprise within the meaning of the State-Owned Enterprises Act 1986 for or in connection with the generation, transmission, or supply of electricity; or

(b) any similar structure or device so used.

(7) Nothing in section 24 shall apply to any disposition in respect of which a notice is given under this section.

Section 24B: inserted, on 10 April 1990, by section 15 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 24B(4)(a): amended, on 14 May 1999, by section 100 of the Electricity Industry Reform Act 1998 (1998 No 88).

Section 24B(5): amended, on 14 May 1999, by section 100 of the Electricity Industry Reform Act 1998 (1998 No 88).

Section 24B(6)(a): amended, on 14 May 1999, by section 100 of the Electricity Industry Reform Act 1998 (1998 No 88).

24BA Notification of intention to reduce marginal strip or to grant exemption

(1) Where the Minister receives an application under section 24A (which relates to the reduction of the width of marginal strips) or section 24B (which relates to exemptions), the Minister shall consult the relevant Conservation Board and Fish and Game Council.

(2) On being satisfied that it is reasonable in the circumstances to do so, the relevant Conservation Board or Fish and Game Council may request the Minister to publicly notify the proposal.

(3) On receipt of a request under subsection (2) that the Minister considers reasonable in the circumstances, the Minister may publicly notify the proposal and section 49(1) shall apply accordingly; but the Minister is not obliged to publicly notify the proposal.

(4) In considering whether or not it is reasonable in the circumstances to publicly notify an application, the Conservation Board or Fish and Game Council or the Minister, as the case may be, shall have regard to—

(a) the purposes specified in section 24C; and

(b) the interests of the public in marginal strips; and

(c) the potential costs of notification (including the costs of public notification) that are likely to be incurred by the seller and the purchaser of the land.

(5) The responsible department or agency disposing of the land shall pay to the Minister all the costs of and incidental to the public notification of the proposal in accordance with section 49.

Section 24BA: inserted, on 13 March 1996, by section 12 of the Conservation Amendment Act 1996 (1996 No 1).

24C Purposes of marginal strips

Subject to this Act and any other Act, all marginal strips shall be held under this Act—

(a) for conservation purposes, in particular—

(i) the maintenance of adjacent watercourses or bodies of water; and

(ii) the maintenance of water quality; and

(iii) the maintenance of aquatic life and the control of harmful species of aquatic life; and

(iv) the protection of the marginal strips and their natural values; and

(b) to enable public access to any adjacent watercourses or bodies of water; and

(c) for public recreational use of the marginal strips and adjacent watercourses or bodies of water.

Section 24C: inserted, on 10 April 1990, by section 15 of the Conservation Law Reform Act 1990 (1990 No 31).

24D Reservation of marginal strips to be recorded

(1) Upon the registration of any disposition by the Crown of any land under the Land Transfer Act 2017, the Registrar-General of Land must, without fee, record on the record of title for that land a statement to the effect that the land to which the record of title relates is subject to this Part.

(1A) Upon being notified of any reduction in the width of any marginal strip under section 24A or any increase in the width of any marginal strip under section 24AA or any exemption under section 24B, where there is a record of title for the land under the Land Transfer Act 2017, the Registrar-General of Land must, without fee, record the reduction or increase or exemption on the record of title.

(2) Upon being notified of any disposition by the Crown of any land not registered under the Land Transfer Act 2017, the Chief Surveyor shall, without fee, record on the proper plans and records of the land registration district affected a statement to the effect that the land so transferred is subject to this Part.

(2A) Upon being notified of any reduction in the width of any marginal strip under section 24A or any increase in the width of any marginal strip under section 24AA or any exemption under section 24B, where the land is not registered under the Land Transfer Act 2017, the Chief Surveyor shall, without fee, record the reduction or increase or exemption on the proper plans and records.

(3) The Chief Surveyor shall, without fee, in the manner the Chief Surveyor considers most appropriate, cause the proper plans of every land registration district to show the marginal strips (including details of the reduction in the width of any marginal strip under section 24A or the increase in the width of any marginal strip under section 24AA) within that district.

(4) All land that is subject to this Part shall remain subject to this Part and the statements specified in subsections (1) and (2) shall continue to be recorded on the certificates of title for that land and on all subsequent certificates of title for that land and on all the proper plans and records of the land registration district affected, as the case may be, notwithstanding—

(a) any subsequent subdivision of that land; or

(b) any subsequent transfer by sale or otherwise of that land.

(5) Every statement recorded on a certificate of title in compliance with subsection (1) shall be deemed to sufficiently protect any reservation made by this Part in respect of any portion of the land comprised in that certificate of title, and no certificate of title shall be impeached on the ground of uncertainty or otherwise on account of any such reservation.

(6) The land comprised in any certificate of title that bears a statement recorded in compliance with subsection (1)—

(a) shall be deemed to be all the land described in that certificate of title, with the exception of any portion that is deemed to be reserved as marginal strip under this Part; and

(b) may be defined for the purposes of the issue of a certificate of title as if this Part had not been passed.

(7) Notwithstanding anything in the Land Transfer Act 2017, land reserved as marginal strip under section 24 shall not be required to be surveyed for the purposes of that Act.

Section 24D: inserted, on 10 April 1990, by section 15 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 24D(1): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 24D(1A): inserted, on 13 March 1996, by section 13(1) of the Conservation Amendment Act 1996 (1996 No 1).

Section 24D(1A): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 24D(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 24D(2A): inserted, on 13 March 1996, by section 13(2) of the Conservation Amendment Act 1996 (1996 No 1).

Section 24D(2A): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 24D(3): amended, on 13 March 1996, by section 13(3) of the Conservation Amendment Act 1996 (1996 No 1).

Section 24D(7): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

24E Exchange of marginal strips

(1) The Minister may, by notice in the *Gazette*, authorise the exchange of any marginal strip for another strip of land.

(2) The Minister shall not authorise the exchange of any marginal strip unless the Minister is satisfied that the exchange will better achieve the purposes specified in section 24C.

(3) The land taken by the Crown in exchange for any marginal strip shall be deemed to be reserved as marginal strip.

(4) The Minister may authorise the payment or receipt by the Crown of money by way of equality of exchange in any case under this section; and all money so received shall be paid into the Department of Conservation Grants and Gifts Trust Account, and shall be applied, without further appropriation than this section, for the purposes of this Act.

(5) The Minister or the Director-General may, on behalf of the Crown, do all such things as may be necessary to effect any exchange authorised under this section.

(6) The Registrar-General of Land is hereby authorised and directed to make such entries in registers and do all such other things as may be necessary to give effect to exchanges authorised under this section.

Section 24E: inserted, on 10 April 1990, by section 15 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 24E(6): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

24F Right of Crown to half of bed of river adjoining former land of the Crown

Notwithstanding any other enactment or rule of law, where the Crown owns part of the bed of a non-navigable river or stream adjoining any land (being a bed of not less than 3 metres in width) and disposes of that land, that part of the bed of that river or stream shall remain owned by the Crown.

Section 24F: inserted, on 10 April 1990, by section 15 of the Conservation Law Reform Act 1990 (1990 No 31).

24G Effect of change to boundary of marginal strips

(1) Where, for any reason, the shape of any foreshore or of the margin of any lake or reservoir or of any bay or inlet of any lake or reservoir is altered and the alteration affects an existing marginal strip, a new marginal strip shall be deemed to have been reserved simultaneously with each and every such alteration.

(2) Where, for any reason, the course of any river or stream is altered and the alteration affects an existing marginal strip, a new marginal strip shall be deemed to have been reserved simultaneously with each and every such alteration.

(3) With respect to any foreshore, to any lake or reservoir and to any bay or inlet of any lake or reservoir, and to any river or stream, a marginal strip shall be reserved by subsection (1) or subsection (2) on all land of the Crown, and on all land the title to which is subject to this Part, and on no other land.

(4) Every marginal strip reserved by subsection (1) or subsection (2) shall be of such dimensions and be situated as if the marginal strip had been reserved under section 24, and shall extinguish either in whole or in part, as the case may require, the existing reservation of the existing marginal strip which would have continued but for the alterations referred to in those subsections.

(5) Nothing in this section shall affect any right, title, or interest any person may have in respect of any assets or improvements existing on any marginal strip at the time such marginal strip is reserved by subsection (1) or subsection (2).

(6) Subject to this section, the provisions of this Act shall apply to every marginal strip reserved by subsection (1) or subsection (2) as if such marginal strip had been reserved by section 24.

(7) Nothing in this section shall apply to any marginal strip reserved by section 24(3).

Section 24G: inserted, on 10 April 1990, by section 15 of the Conservation Law Reform Act 1990 (1990 No 31).

24H Management of marginal strips

(1) The Minister may from time to time appoint suitable persons to be managers of marginal strips.

(2) Subject to subsection (6)(c), the Minister may appoint one of the following persons to be the manager of any marginal strip:

(a) the owner for the time being of the land adjoining that strip:

(b) some other suitable person, if the Minister considers that person to be more suitable than the adjoining owner.

(3) The Crown shall manage all marginal strips around controlled lakes and reservoirs; but any costs relating to any such strip that are costs arising out of electricity generation in the area of the strip shall be payable by the person or body responsible for that electricity generation.

(4) Subject to this section, the manager of a marginal strip shall—

(a) manage the strip in a way that best serves the purposes specified in section 24C; and

(b) enable members of the public to have access along the strip.

(5) Subject to this section, the manager of a marginal strip may make improvements to the strip, and the improvements may include such planting or harvesting of crops or trees as may be provided for in any Crown forestry licence under the Crown Forest Assets Act 1989 affecting or relating to the strip or in any agreement between the manager and the Crown.

(6) In the case of the holder of a Crown forestry licence under the Crown Forest Assets Act 1989, the following provisions shall also apply:

(a) the licence holder may manage and harvest exotic plantation trees existing at the time of the grant of the licence on any marginal strip adjoining the land to which the licence relates:

(b) the licence holder may carry out 1 replanting of such trees on the strip:

(c) the Minister may appoint either the licence holder or the Director-General to be manager of the strip, but shall not appoint any other person to be the manager.

(7) The manager of a marginal strip may request the Minister to close temporarily the strip under section 13 where any operation proposed on the strip will significantly affect public safety or where fire hazard conditions exist.

(8) The manager of a marginal strip shall comply with any reasonable requirements or restrictions imposed in respect of the strip by the Minister by notice in writing to the manager; and the Minister shall impose such requirements or restrictions, or both, as the Minister considers reasonably necessary or expedient to protect the strip, having particular regard to the maintenance of riparian vegetation, wildlife, water quality, the health of aquatic life, and to maintain access to and the recreational use of the strip.

(9) The Minister shall not require the manager of any marginal strip to fence off any part of that strip, or to undertake any other works on or relating to that strip, unless the expenses associated with such fencing or other works are borne by the Crown.

(10) The Minister shall consult the appropriate manager where—

(a) an application for a licence to mine in a marginal strip is being considered; or

(b) any complaint relating to a marginal strip is being investigated; or

(c) any requirement or restriction under subsection (8) is being proposed.

(11) The manager of a marginal strip shall obtain the written consent of the Minister before making any significant change to the management regime of the strip, and before making or erecting any significant improvements to or on the strip.

(12) Subject to subsection (9), any expense incurred by a manager under this section shall be borne by the manager.

(13) Every manager of a marginal strip commits an offence who—

(a) knowingly damages the marginal strip or causes to be damaged the strip or any part of it; or

(b) knowingly uses the marginal strip for any purpose contrary to any provision of or to any requirement imposed under this Part.

Section 24H: inserted, on 10 April 1990, by section 15 of the Conservation Law Reform Act 1990 (1990 No 31).

24I Easements

[Repealed]

Section 24I: repealed, on 1 July 1996, by section 15(1) of the Conservation Amendment Act 1996 (1996 No 1).

24J Resumption of marginal strips by Crown

(1) On giving 90 days' notice in writing to the manager of a marginal strip or such longer period not exceeding 6 months as may be provided for in any agreement between the manager and the Crown, the Minister, on behalf of the Crown, may resume the management of the strip.

(2) Subject to subsection (3), where the Crown resumes the management of a marginal strip, it shall be liable to pay to the manager of the strip—

(a) compensation for any improvements made to the strip by the manager; and

(b) the manager's reasonable administration costs associated with the Crown's resumption of the strip.

(3) A manager shall have no right to be compensated for improvements made to or erected on the marginal strip without the prior consent of the Minister as required by section 24H(11).

(4) If there is any dispute or difference between the manager of any marginal strip and the Crown as to any amount the Crown is liable to pay under subsection (2), the amount shall be fixed by arbitration in accordance with the Arbitration Act 1996.

(5) For the purposes of any such arbitration, this section shall be deemed to be a submission to arbitration within the meaning of the Arbitration Act 1996, and the reference shall be deemed to be to 2 arbitrators, one to be appointed by the Minister, and the other by the manager.

(6) Notwithstanding subsection (4), the parties may agree on the amount to be paid under subsection (2), either before or after the matter is submitted to arbitration, and, if the agreement is made after the date of any award of arbitration, the award shall be deemed to be cancelled.

Section 24J: inserted, on 10 April 1990, by section 15 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 24J(4): amended, on 1 July 1997, pursuant to section 18 of the Arbitration Act 1996 (1996 No 99).

Section 24J(5): amended, on 1 July 1997, pursuant to section 18 of the Arbitration Act 1996 (1996 No 99).

24K Provisions applying in relation to land vested under New Zealand Railways Corporation Restructuring Act 1990

(1) In this section and in section 24L—

Crown transferee company has the same meaning as in section 2 of the New Zealand Railways Corporation Restructuring Act 1990

railway operator has the same meaning as in section 2 of the New Zealand Railways Corporation Restructuring Act 1990.

(2) The provisions of section 24D shall apply in relation to a disposition of land of the kind referred to in section 24(9)(c) with such modifications as shall be necessary and as if the reference in subsection (1) of that section to the registration of any disposition by the Crown were a reference to the registration of a Crown transferee company as the proprietor of the land in accordance with section 9(1)(a) of the New Zealand Railways Corporation Restructuring Act 1990.

(3) This Part (except section 24L) does not apply to—

(a) land within an area of 25 metres of a line drawn midway between the rails of a railway line:

(b) land approved by the Minister by notice in the *Gazette* as being required for the purpose of an alteration to the route of an existing railway line.

(4) The Minister shall give a notice under subsection (3)(b) in any case where he or she is satisfied that—

(a) the land is reasonably required for the purposes of altering the route of the railway line; and

(b) the value in terms of the purposes specified in section 24C of the land adjacent to the railway line will not be diminished any more than is reasonably necessary for the purposes of the proposed alterations to the railway line.

(5) In giving an approval under subsection (3)(b) the Minister may impose such conditions as he or she thinks fit in connection with the construction of the proposed alterations to the railway line.

(6) Where, in relation to land of the kind referred to in subsection (3)(b), a statement that the land is subject to this Part has, in accordance with section 24D, been recorded on the record of title to the land or on the proper plans and records of the land registration district affected, the Registrar-General of Land or the Chief Surveyor, as the case may be, shall make such alterations to any

existing records of title for that land or to the plans and records of the land registration district, as the case may be, as shall be necessary for the purpose of recording the fact that the land is no longer subject to this Part.

(7) Where, in relation to any land of the kind referred to in subsection (3),—

(a) the railway line is removed permanently; or

(b) the railway line ceases to be operated by a railway operator; or

(c) in the case of land referred to in a notice in the *Gazette* published under subsection (3)(b), the Minister declares, by notice in the *Gazette*, that the land or any part of it is no longer required for the purposes of the alteration to the railway line—

as the case may be,—

the land shall immediately become subject to this Part and the provisions of section 24D shall apply with such modifications as shall be necessary and as if—

(d) the reference in subsection (1) of that section to the registration of any disposition by the Crown were a reference to land becoming subject to this Part by virtue of this subsection; and

(e) the reference in subsection (2) of that section to notification of any disposition by the Crown were a reference to notification of land becoming subject to this Part by virtue of this subsection.

(8) Nothing in this Part limits or affects the application of sections 30 and 31 of the New Zealand Railways Corporation Act 1981 or section 31 of the New Zealand Railways Corporation Restructuring Act 1990.

Section 24K: inserted, on 28 August 1990, by section 3 of the Conservation Amendment Act 1990 (1990 No 106).

Section 24K(6): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

24L Public access rights

Every railway operator must allow members of the public to have access on foot over land that would, but for subsection (3) of section 24K, be reserved as a marginal strip, except land that is within 5 metres of a line drawn midway between the rails of a railway line, unless, in the opinion of the railway operator, such access would be likely to endanger the safety of persons or property.

Section 24L: inserted, on 28 August 1990, by section 3 of the Conservation Amendment Act 1990 (1990 No 106).

Part 5
Stewardship areas

25 Management of stewardship areas

Every stewardship area shall so be managed that its natural and historic resources are protected.

26 Disposal of stewardship areas

(1) Subject to subsections (2) and (3), the Minister may dispose of any stewardship area that is not foreshore or any interest in any stewardship area that is not foreshore.

(2) The Minister shall not dispose of any land or any interest in any land adjacent to—

(a) any conservation area that is not a stewardship area; or

(b) land administered by the Department under some enactment other than this Act,—

unless satisfied that its retention and continued management as a stewardship area would not materially enhance the conservation or recreational values of the adjacent conservation area or land or, in the case of any marginal strip, of the adjacent water, or public access to it.

(3) The Minister shall not dispose of any land or any interest in land without first giving notice of intention to do so; and section 49 shall apply accordingly.

(4) Upon being disposed of under this section, the land or interest in land shall cease to be held for conservation purposes.

(5) As soon as is practicable after disposing of any land or interest in land, the Minister shall publish in the *Gazette* a notice—

(a) describing the area concerned; and

(b) specifying the interest and the revenue (or, where the interest was disposed of by way of exchange or part exchange, the consideration) received for it.

(6) Any disposal under this section may be effected by transfer under the Land Transfer Act 2017.

(7) The Registrar-General of Land shall accept any such transfer as conclusive evidence that the land or interest concerned is no longer required for conservation purposes.

(8) Nothing in this section shall affect any application for or grant of any concession under Part 3B over a stewardship area or an interest in a stewardship area.

Section 26(1): amended, on 10 April 1990, by section 16(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26(2): amended, on 10 April 1990, by section 16(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26(3): amended, on 10 April 1990, by section 16(1)(c) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26(4): amended, on 10 April 1990, by section 16(1)(d) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26(5): amended, on 10 April 1990, by section 16(1)(e) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26(6): added, on 10 April 1990, by section 16(2) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26(6): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 26(7): added, on 10 April 1990, by section 16(2) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26(7): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 26(8): added, on 1 July 1996, by section 14 of the Conservation Amendment Act 1996 (1996 No 1).

Part 5A
Sports Fish and Game Councils

Part 5A: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Functions of Minister

Heading: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

26A Functions of Minister

(1) The functions of the Minister in relation to the conservation and management of sports fish and game shall be—

(a) to approve policies and management plans for sports fish and game, and their habitats:

(b) to recommend to the Governor-General the making of any necessary Orders in Council under section 2(3):

(c) to define not more than 12 regions for the purposes of this Part, by notice in the *Gazette*; and the Minister may in like manner—

(i) alter the boundaries of any region by including any defined area in the region, or by excluding any defined area from the region and including that area in any other region:

(ii) abolish any region and include any part or parts of that region in any other region:

(d) to establish, by notice in the *Gazette*, rules for the conduct of the meetings of the New Zealand Fish and Game Council, and model rules for the conduct of Fish and Game Council meetings; and any such rules may in like manner be amended or revoked:

(e) to approve annual operational work plans or provisions in such plans relating to the management of those species of sports fish or game for which there is no management plan.

(2) The Minister shall have all such powers as are reasonably necessary or expedient to enable the Minister to carry out the Minister's functions under this section.

Section 26A: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

New Zealand Fish and Game Council

Heading: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

26B Establishment and powers of New Zealand Fish and Game Council

(1) There is hereby established a council to be called the New Zealand Fish and Game Council to represent nationally the interests of anglers and hunters and provide co-ordination of the management, enhancement, and maintenance of sports fish and game.

(2) The New Zealand Fish and Game Council shall be a body corporate with perpetual succession and a common seal, and, except as provided in this Act, shall have—

(a) the rights, powers, and privileges of a natural person; and

(b) the power to do anything it is authorised to do by or under—

(i) this Act; or

(ii) any other enactment; or

(iii) any rule of law.

(3) The New Zealand Fish and Game Council shall not exercise any of its rights, powers, or privileges except for the purpose of performing its functions.

Section 26B: brought into force, on 19 July 1990, by clause 2 of the Conservation Act Commencement Order (No 2) 1990 (SR 1990/169).

Section 26B: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26B heading: substituted, on 25 November 1994, by section 9 of the Conservation Amendment Act 1994 (1994 No 108).

Section 26B(2): added, on 25 November 1994, by section 9 of the Conservation Amendment Act 1994 (1994 No 108).

Section 26B(3): added, on 25 November 1994, by section 9 of the Conservation Amendment Act 1994 (1994 No 108).

26C Functions of New Zealand Fish and Game Council

(1) The functions of the New Zealand Fish and Game Council shall be—

(a) to develop, in consultation with Fish and Game Councils, national policies for the carrying out of its functions for sports fish and game,

and the effective implementation of relevant general policies established under the Wildlife Act 1953 and this Act:

(b) to advise the Minister on issues relating to sports fish and game:

(ba) in relation to Anglers Notices and notices for game seasons (under section 15 of the Wildlife Act 1953),—

(i) to co-ordinate their preparation and recommendation to the Minister for approval:

(ii) to advise the Minister:

(iii) to arrange for their publication under the Legislation Act 2019:

(c) to participate, with the Director-General and other interested parties, in the development of a research programme promoting the management of sports fish and game:

(d) to oversee the electoral system by which members of Fish and Game Councils are elected:

(e) to recommend to the Minister an appropriate fee for fishing and hunting licences, after having regard to the views and recommendations of Fish and Game Councils:

(ea) to recommend to the Minister fees for game hunting guide licences and sports fishing guide licences, after having regard to views and recommendations of Fish and Game Councils:

(f) to determine, in consultation with Fish and Game Councils, the amount of the levy payable by Fish and Game Councils to the New Zealand Fish and Game Council, from licence sales, for—

(i) the administration of the New Zealand Fish and Game Council; and

(ii) redistribution between Fish and Game Councils; and

(iii) advocacy and research:

(g) to advocate generally and in any statutory planning process the interests of the New Zealand Fish and Game Council and, with its agreement, of any Fish and Game Council in the management of sports fish and game, and habitats:

(h) to provide regular reports to Fish and Game Councils:

(i) to liaise with the New Zealand Conservation Authority:

(j) to audit the activities of Fish and Game Councils:

(ja) to recommend to the Minister, after having regard to the views and recommendations (if any) of Fish and Game Councils and the New Zealand Game Bird Habitat Trust Board, an appropriate fee in respect of any game bird habitat stamp and the form of such stamps:

(jb) to sell or arrange the sale of, in New Zealand or outside New Zealand, game bird habitat stamps and associated products:

(k) to perform such other sports fish and game functions as the Minister may require.

(2) The New Zealand Fish and Game Council shall have such other functions as are conferred on it by or under this Act or any other Act.

Section 26C: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26C(1)(ba): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 26C(1)(ea): inserted, on 13 March 1996, by section 16(2) of the Conservation Amendment Act 1996 (1996 No 1).

Section 26C(1)(ja): inserted, on 17 May 1993, by section 6 of the Wildlife Amendment Act 1993 (1993 No 39).

Section 26C(1)(jb): inserted, on 17 May 1993, by section 6 of the Wildlife Amendment Act 1993 (1993 No 39).

26D Membership

(1) The New Zealand Fish and Game Council shall consist of persons appointed as members of the New Zealand Fish and Game Council by Fish and Game Councils.

(2) Each Fish and Game Council shall be entitled, in accordance with any regulations made under section 48, to appoint one of its members to be a member of the New Zealand Fish and Game Council, and any person so appointed may from time to time be reappointed.

Section 26D: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

26DA Members not personally liable

No member of the New Zealand Fish and Game Council shall be personally liable for any default made by the Council or any member of it, in good faith in the course of its operations.

Section 26DA: inserted, on 17 May 1993, by section 6 of the Wildlife Amendment Act 1993 (1993 No 39).

26E Co-opted members

(1) The New Zealand Fish and Game Council may co-opt for such term as it thinks fit any suitable person or persons to be a member or members of the Council.

(2) A co-opted member of the Council shall be entitled to attend and speak at any meeting of the Council, but shall not be entitled to vote on any question.

Section 26E: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

26F Powers of New Zealand Fish and Game Council

(1) The New Zealand Fish and Game Council shall have all such powers as are reasonably necessary or expedient to enable it to carry out its functions.

(2) Without limiting the generality of subsection (1), the New Zealand Fish and Game Council may—

(a) make rules for the conduct of its business and financial requirements:

(b) appoint a manager and other staff for the efficient and economic administration of the affairs of the Council:

(c) expend money received by it from any source arising under this Act for the purposes of carrying out its functions under this Act:

(d) enter into contracts to provide services and enter into contracts on behalf of, and subject to the authorisation of, any Fish and Game Council.

(3) For the purposes of section 26C(1)(g), the New Zealand Fish and Game Council shall be entitled to appear before courts and tribunals in New Zealand and be heard on matters affecting or relating to the Council's functions.

(4) *[Repealed]*

(5) *[Repealed]*

Section 26F: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26F(2)(d): amended, on 17 May 1993, by section 6 of the Wildlife Amendment Act 1993 (1993 No 39).

Section 26F(4): repealed, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

Section 26F(5): repealed, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

26FA Appointment of fish and game rangers

(1) The Director may from time to time appoint employees of the New Zealand Fish and Game Council or employees of any Fish and Game Council to be fish and game rangers for the purposes of this Act.

(2) The Director may from time to time appoint other suitable persons to be fish and game rangers in an honorary capacity for the purposes of this Act.

(3) A fish and game ranger may be appointed—

(a) for a particular region or area or areas or to act generally throughout New Zealand:

(b) for a particular purpose or general purposes specified in the warrant issued to that person.

(4) Every fish and game ranger appointed under subsection (2) shall be appointed for a term not exceeding 3 years specified by the Director; but may be reappointed.

(5) Any fish and game ranger appointed under subsection (2) may at any time be removed from office by the Director for incapacity, neglect of duty, or misconduct proved to the satisfaction of the Director, or may at any time resign office by writing addressed to the Director.

(6) Every person shall, on ceasing to be a fish and game ranger, surrender to the Director the warrant of appointment, any badge of office, and any article of uniform issued to that person.

(7) No fish and game ranger shall be regarded as an employee of the New Zealand Fish and Game Council by reason only of the appointment of that person under this section.

(8) The Director shall give every fish and game ranger a written warrant, signed by or on behalf of the Director, evidencing the appointment; and the production of the warrant shall, in the absence of proof to the contrary, be conclusive evidence of the appointment.

(9) Every person who is a constable shall be deemed to be a fish and game ranger.

(10) There may be paid to any fish and game ranger appointed under subsection (2), by the New Zealand Fish and Game Council or any Fish and Game Council, reimbursement of the actual and reasonable expenses incurred in the course of acting as a fish and game ranger, if the Director has given prior authorisation and has subsequently approved the amount of the expenses.

Section 26FA: inserted, on 25 November 1994, by section 11(1) of the Conservation Amendment Act 1994 (1994 No 108).

Section 26FA(9): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

26FB Powers of fish and game rangers

Subject to this Act and the terms of the warrant of appointment of any fish and game ranger, a fish and game ranger shall have and may exercise all the powers exercisable by a warranted officer under this Act or the Wildlife Act 1953, or under any regulations or notices made under either of those Acts.

Section 26FB: inserted, on 25 November 1994, by section 11(1) of the Conservation Amendment Act 1994 (1994 No 108).

26FC Provisions relating to Director and fish and game rangers

(1) Sections 37, 40, 42, 43, 43A, 46, and 47 shall apply in respect of fish and game rangers as if—

(a) references in those provisions to the Director-General were references to the Director:

(b) references in those provisions to the Department were references to the New Zealand Fish and Game Council or a Fish and Game Council:

(c) references in those provisions to a warranted officer were references to a fish and game ranger:

(d) references to money appropriated by Parliament were references to money belonging to the New Zealand Fish and Game Council or a Fish and Game Council.

(2) The Director may in writing delegate to any employee of the New Zealand Fish and Game Council or of any Fish and Game Council all or any of the Director's functions and powers under this Act or any other Act, except the power to appoint fish and game rangers under section 26FA.

Section 26FC: inserted, on 25 November 1994, by section 11(1) of the Conservation Amendment Act 1994 (1994 No 108).

26G Employment principles

The New Zealand Fish and Game Council shall operate a personnel policy that complies with the principle of being a good employer by following, as closely as possible and as if it were a chief executive of a department, the provisions of sections 73 and 74 of the Public Service Act 2020.

Section 26G: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26G: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

26H Crown entity

(1) The New Zealand Fish and Game Council is, for the purposes of subpart 2 of Part 5 of the Public Finance Act 1989, an organisation named or described in Schedule 4 of that Act.

(2) The Council is a public entity as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is its auditor.

Section 26H: substituted, on 25 November 1994, by section 12 of the Conservation Amendment Act 1994 (1994 No 108).

Section 26H(1): amended, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

Section 26H(2): substituted, on 1 July 2001, by section 53 of the Public Audit Act 2001 (2001 No 10).

26HA National fish and game compliance and law enforcement policy

(1) The New Zealand Fish and Game Council may, in accordance with section 26C(1)(a), develop a national policy that relates to—

(a) the authorisation of fish and game rangers to issue infringement notices under section 51W(2); and

(b) the issuing of infringement notices by those fish and game rangers; and

(c) the exercise of other powers of fish and game rangers used to enforce, or ensure compliance with, this Act or the Wildlife Act 1953 (including any regulations made under those Acts).

(2) The Minister may, by notice in the *Gazette*, approve a policy developed under subsection (1).

(3) If the Minister has not approved a policy under subsection (2),—

(a) the Director of the New Zealand Fish and Game Council may not authorise a fish and game ranger to issue infringement notices under this Act (*see* section 51W(4)(b)); and

(b) sections 26I(1A), 26R(2A), and 26X(1A) do not apply.

Section 26HA: inserted, on 21 December 2018, by section 5 of the Conservation (Infringement System) Act 2018 (2018 No 61).

26I Annual report

(1) The New Zealand Fish and Game Council shall, as soon as practicable after the end of each financial year, furnish to the Minister a report on its operations for that financial year.

(1A) If the Minister has approved a policy under section 26HA(2), the annual report must—

(a) summarise what powers have been exercised during the year by fish and game rangers to enforce, or ensure compliance with, this Act or the Wildlife Act 1953 (including any regulations made under those Acts); and

(b) identify any complaints that have been received in relation to the exercise of those powers; and

(c) summarise the actions taken in response to any complaints; and

(d) specify whether any powers were exercised in a manner inconsistent with the policy.

(2) The Minister must present a copy of the report to the House of Representatives in accordance with section 150(3) of the Crown Entities Act 2004.

Section 26I: substituted, on 25 November 1994, by section 12 of the Conservation Amendment Act 1994 (1994 No 108).

Section 26I(1A): inserted, on 21 December 2018, by section 6 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 26I(2): substituted, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

26J Chairperson of New Zealand Fish and Game Council

(1) The members of the New Zealand Fish and Game Council shall from time to time appoint one of their number to be chairperson of the New Zealand Fish and Game Council.

(2) The chairperson shall preside at all meetings of the New Zealand Fish and Game Council at which he or she is present.

(3) If the chairperson is absent from any meeting of the New Zealand Fish and Game Council, the members present shall appoint one of their number to be the chairperson of that meeting.

Section 26J: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

26K Meetings of New Zealand Fish and Game Council

(1) Meetings of the New Zealand Fish and Game Council shall be held at least twice a year at such times and places as the New Zealand Fish and Game Council or the chairperson from time to time appoints.

(2) A special meeting shall be called by the chairperson whenever 3 or more members so request in writing.

(3) At any meeting of the New Zealand Fish and Game Council, a majority of the members in office shall form a quorum, and no business shall be transacted at any meeting unless such a quorum is present.

(4) Every question before any meeting of the New Zealand Fish and Game Council shall be determined by a majority of the members present and voting on the question, and proper minutes shall be kept of proceedings.

(5) At any meeting of the New Zealand Fish and Game Council, the chairperson of that meeting shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(6) The powers of the New Zealand Fish and Game Council shall not be affected by any vacancy in its membership, nor shall the proceedings of the New Zealand Fish and Game Council be invalidated merely because of the subsequent discovery that some defect existed in the appointment of any member.

(7) Subject to the provisions of this Act, the New Zealand Fish and Game Council may regulate its procedure in such manner as it thinks fit.

Section 26K: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

26L Director-General entitled to attend meetings of New Zealand Fish and Game Council

Notice in writing of every meeting of the New Zealand Fish and Game Council and of the business proposed to be transacted at that meeting shall be given by the Council to the Director-General, and the Director-General or the Director-General's nominee shall be entitled to attend and speak at any such meeting, but shall not be entitled to vote on any question.

Section 26L: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

26M No remuneration payable to members

Except as otherwise provided by this Act or any regulations made under it, no member of the New Zealand Fish and Game Council shall be entitled to receive any remuneration or expenses in respect of his or her service as a member of the Council.

Section 26M: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Transitional Councils

[Repealed]

Heading: repealed, on 16 December 2017, by section 83 of the Electronic Interactions Reform Act 2017 (2017 No 50).

26N Transitional Councils

[Repealed]

Section 26N: repealed, on 16 December 2017, by section 83 of the Electronic Interactions Reform Act 2017 (2017 No 50).

26O Functions and powers of Transitional Councils

[Repealed]

Section 26O: repealed, on 16 December 2017, by section 83 of the Electronic Interactions Reform Act 2017 (2017 No 50).

Fish and Game Councils

Heading: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

26P Establishment and powers of Fish and Game Councils

(1) There is hereby established for the purposes of the management, maintenance, and enhancement of sports fish and game a Fish and Game Council for each region defined by the Minister under section 26A(1)(c).

(2) Each Fish and Game Council shall be a body corporate with perpetual succession and a common seal, and, except as provided in this Act, shall have—

(a) the rights, powers, and privileges of a natural person; and

(b) the power to do anything it is authorised to do by or under—

(i) this Act; or

(ii) any other enactment; or

(iii) any rule of law.

(3) A Fish and Game Council shall not exercise any of its rights, powers, or privileges except for the purpose of performing its functions.

Section 26P: brought into force, on 19 July 1990, by clause 2 of the Conservation Act Commencement Order (No 2) 1990 (SR 1990/169).

Section 26P: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26P heading: substituted, on 25 November 1994, by section 13 of the Conservation Amendment Act 1994 (1994 No 108).

Section 26P(2): added, on 25 November 1994, by section 13 of the Conservation Amendment Act 1994 (1994 No 108).

Section 26P(3): added, on 25 November 1994, by section 13 of the Conservation Amendment Act 1994 (1994 No 108).

26Q Functions of Fish and Game Councils

(1) The functions of each Fish and Game Council shall be to manage, maintain, and enhance the sports fish and game resource in the recreational interests of anglers and hunters, and, in particular,—

(a) to assess and monitor—

(i) sports fish and game populations; and

(ii) the success rate and degree of satisfaction of users of the sports fish and game resource; and

(iii) the condition and trend of ecosystems as habitats for sports fish and game:

(b) to maintain and improve the sports fish and game resource—

(i) by maintaining and improving access; and

(ii) by maintaining the hatchery and breeding programmes, where required for stocking or restocking the sports fisheries and game habitat; and

(iii) by formulating and recommending to the New Zealand Fish and Game Council conditions for fishing and game seasons; and

(iv) by ensuring that there are sufficient resources to enforce fishing and hunting season conditions; and

(v) by undertaking such works as may be necessary to maintain and enhance the habitat of sports fish and game, subject to the approval of the Minister, the land owner, or the administering authority, as the case may require:

(c) to promote and educate—

(i) by defining and promoting ethical standards of behaviour to be followed by anglers and hunters; and

(ii) by promoting recreation based on sports fish and game; and

(iii) by keeping anglers and hunters informed on matters affecting their interests:

(d) in relation to costs,—

(i) to assess the costs attributable to the management of sports fish and game; and

(ii) to develop and recommend to the New Zealand Fish and Game Council appropriate licence fees to recover costs and game bird habitat stamp fees; and

(iii) to represent the region's interests with the New Zealand Fish and Game Council in the determination and distribution of levies on licences:

(e) in relation to planning,—

(i) to represent the interests and aspirations of anglers and hunters in the statutory planning process; and

(ii) to formulate and adopt an annual operational work plan; and

(iii) to prepare draft sports fish and game management plans in accordance with this Act; and

(iv) to identify and recommend to the New Zealand Fish and Game Council the region's sports fish and game requirements for research; and

(v) to implement national policy determined by the New Zealand Fish and Game Council; and

(vi) to liaise with local Conservation Boards; and

(vii) to advocate the interests of the Council, including its interests in habitats:

(f) to issue—

(i) licences to hunt or kill game, and game bird habitat stamps, in accordance with the Wildlife Act 1953 and any regulations made under it; and

(ii) licences to take sports fish, in accordance with this Part and any regulations made under this Act; and

(iii) game hunting guide licences in accordance with the Wildlife Act 1953 and sports fishing guide licences in accordance with this Act:

(g) to sell or arrange the sale of, in New Zealand or outside New Zealand, game bird habitat stamps and associated products:

(h) to recommend to the New Zealand Fish and Game Council the form of game bird habitat stamps.

(2) Each Fish and Game Council shall have such other functions as are conferred on it by or under this Act or any other Act.

(3) The following provisions shall apply in respect of operational work plans:

(a) each Fish and Game Council shall prepare such a plan annually:

(b) such plans shall be submitted to the Minister for the Minister's approval if there is no sports fish and game management plan for the time being in force for the area:

(c) the Minister shall approve or amend plans submitted under paragraph (b):

(d) subject to paragraph (e), such plans shall have effect on and from the date of their completion by a Council but shall be subject to any amendments made by the Minister:

(e) if there is no management plan for any species of sports fish or game for the time being in force for the region of a Council, those provisions of the Council's operational work plan that relate to the management of those species for which there is no management plan shall not have effect until approved by the Minister.

Section 26Q: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26Q(1)(b)(iii): amended, on 13 March 1996, by section 17(1) of the Conservation Amendment Act 1996 (1996 No 1).

Section 26Q(1)(d)(ii): amended, on 17 May 1993, by section 6 of the Wildlife Amendment Act 1993 (1993 No 39).

Section 26Q(1)(f)(i): amended, on 17 May 1993, by section 6 of the Wildlife Amendment Act 1993 (1993 No 39).

Section 26Q(1)(f)(ii): amended, on 13 March 1996, by section 17(2) of the Conservation Amendment Act 1996 (1996 No 1).

Section 26Q(1)(f)(iii): added, on 13 March 1996, by section 17(2) of the Conservation Amendment Act 1996 (1996 No 1).

Section 26Q(1)(g): added, on 17 May 1993, by section 6 of the Wildlife Amendment Act 1993 (1993 No 39).

Section 26Q(1)(h): added, on 17 May 1993, by section 6 of the Wildlife Amendment Act 1993 (1993 No 39).

26R Fish and Game Council responsibilities

(1) In the performance of their responsibilities, Fish and Game Councils shall abide by the requirements of this Act and the Wildlife Act 1953 and any regulations made under either of those Acts.

(2) Except as provided in section 26Q(1), Fish and Game Councils shall not, within their areas of jurisdiction, engage in any activity that has as its predominant purpose the making of a commercial gain from that activity.

(2A) Fish and Game Councils must comply with any policy approved by the Minister under section 26HA(2).

(3) The following provisions apply to Anglers Notices:

(a) Fish and Game Councils shall prepare such notices:

(b) Fish and Game Councils shall, through the New Zealand Fish and Game Council, recommend such notices for approval by the Minister:

(c) the New Zealand Fish and Game Council shall, if satisfied as to the form of the notice, submit it for the Minister's approval:

(d) as soon as practicable after a notice is approved by the Minister, the New Zealand Fish and Game Council must arrange for it to be published under the Legislation Act 2019:

(e) Fish and Game Councils shall make copies of notices available for sale to the public.

(4) An Anglers Notice shall set out the conditions under which a current licence holder may fish for sports fish in the area to which the notice relates, being conditions relating to—

(a) the size and limit bag for any species of sports fish:

(b) any open or closed season in any specified waters in the area, and the sports fish in respect of which they are open or closed:

(c) any requirements, restrictions, or prohibitions on fishing tackle, methods, or the use of any gear, equipment, or device:

(d) the hours of fishing:

(e) the handling, treatment, or disposal of any sports fish.

(5) An Anglers Notice may also declare any waters within the area of jurisdiction of the Fish and Game Council to be fisheries experimental waters, and to make such provision for the protection of fish in those waters as in the opinion of the Minister are necessary or desirable for fish research purposes.

(6) Every person commits an offence and is liable to a fine not exceeding $5,000 who takes any sports fish from any waters at any time or place, or with any device or in any manner, if such taking is not permitted by any Anglers Notice in force in respect of those waters.

(7) An Anglers Notice is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(8) The Legislation Act 2019 applies as if—

(a) the Minister were the maker of the notice; and

(b) the notice were made by the Minister approving it.

Compare: 1983 No 14 s 71

Legislation Act 2019 requirements for secondary legislation referred to in subsection (7)		
Publication	The maker must publish it in the *Gazette* Subsection (3)(d) must also be complied with	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 26R: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26R(2): amended, on 17 May 1993, by section 6 of the Wildlife Amendment Act 1993 (1993 No 39).

Section 26R(2A): inserted, on 21 December 2018, by section 7 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 26R(3): substituted, on 13 March 1996, by section 18(1) of the Conservation Amendment Act 1996 (1996 No 1).

Section 26R(3)(d): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 26R(4): amended, on 13 March 1996, by section 18(2)(a) of the Conservation Amendment Act 1996 (1996 No 1).

Section 26R(5): amended, on 13 March 1996, by section 18(2)(a) of the Conservation Amendment Act 1996 (1996 No 1).

Section 26R(6): amended, on 13 March 1996, by section 18(2)(b) of the Conservation Amendment Act 1996 (1996 No 1).

Section 26R(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 26R(8): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

26S Powers of Fish and Game Councils

(1) Each Fish and Game Council shall have all such powers as are reasonably necessary or expedient to enable it to carry out its functions.

(2) Without limiting the generality of subsection (1) but subject to subsection (3), any Fish and Game Council may, by agreement,—

(a) acquire and dispose of land or any interest in land for such purposes as are reasonably necessary to enable the Council to carry out its functions, including the provision of office premises:

(b) acquire any land or interest in land formerly held by an acclimatisation society:

(c) enter into contracts for the provision of services by it.

(3) Every agreement under subsection (2) is subject to the following conditions:

(a) in the case of an acquisition (other than for administrative purposes), the land or interest in land shall be acquired for use for the purposes of the management of sports fish or game, and the protection of their habitat:

(b) no disposal (other than for administrative purposes) shall be made if the land or interest in land is required for the management of sports fish or game, or the protection of their habitat:

(c) any land acquired under this section (other than for administrative purposes) shall be open to the public, and may be closed in order to protect the sports fish and game habitat only after public notice of the closure has been given in the region:

(d) the land use shall comply with the provisions of this Act and any other Act, and any freshwater fisheries management plan or sports fish and game management plan for the region in which the land is situated.

(4) Subsection (3)(c) shall also apply to any land that is transferred to a Fish and Game Council under any other Act, as if that land had been acquired under this section.

(5) All land held under this section shall be subject to this Act.

(6) Each Fish and Game Council may expend money received by it from any source arising under this Act for the purposes of carrying out its functions under this Act.

(7) For the purposes of section 26Q(1), a Fish and Game Council shall be entitled to appear before courts and tribunals in New Zealand and be heard on matters affecting or relating to the Council's functions.

(8) Nothing in this section or in section 26Q shall enable any person to enter any land (other than land vested in a Fish and Game Council) without the consent of the owner or occupier.

(9) *[Repealed]*

(10) *[Repealed]*

Section 26S: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26S(9): repealed, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

Section 26S(10): repealed, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

26T Appointment of staff

(1) Without limiting section 26S, a Fish and Game Council may appoint a manager and other staff for the efficient and economic administration of the affairs of the Council.

(2) Every Fish and Game Council shall operate a personnel policy that complies with the principle of being a good employer by following, as closely as possible and as if it were a chief executive of a department, the provisions of sections 73 and 74 of the Public Service Act 2020.

Section 26T: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26T(2): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

26U Membership

(1) Each Fish and Game Council shall consist of not more than 12 members elected in accordance with section 26Z.

(2) A person shall be qualified to be a member of a Fish and Game Council only if that person holds a current adult whole season licence to hunt game or fish for sports fish.

(3) Each region defined by the Minister under section 26A(1)(c) shall comprise not more than 6 subregions, which shall be determined by the Fish and Game Council for that region and notified in some newspaper circulating in the areas affected.

(4) No person who is a bankrupt or has been convicted of an offence involving sports fish or game or protected wildlife (being an offence under this Act or any other Act) shall be eligible to be a member of a Fish and Game Council.

Section 26U: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26U(4): amended, on 13 March 1996, by section 19 of the Conservation Amendment Act 1996 (1996 No 1).

26V Co-opted members

(1) Any Fish and Game Council may co-opt for such term as it thinks fit any suitable person or persons to be a member or members of the Council.

(2) A co-opted member of a Council shall be entitled to attend and speak at any meeting of that Council, but shall not be entitled to vote on any question.

Section 26V: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

26W Crown entity

(1) Each Fish and Game Council is, for the purposes of subpart 2 of Part 5 of the Public Finance Act 1989, an organisation named or described in Schedule 4 of that Act.

(2) Each Council is a public entity as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is its auditor.

Section 26W: substituted, on 25 November 1994, by section 15 of the Conservation Amendment Act 1994 (1994 No 108).

Section 26W(1): amended, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

Section 26W(2): substituted, on 1 July 2001, by section 53 of the Public Audit Act 2001 (2001 No 10).

26X Annual report

(1) Each Fish and Game Council shall, as soon as practicable after the end of each financial year, furnish to the Minister a report on its operations for that financial year.

(1A) If the Minister has approved a policy under section 26HA(2), the annual report must—

(a) summarise what powers have been exercised during the year by the Fish and Game Council to enforce, or ensure compliance with, this Act or the Wildlife Act 1953 (including any regulations made under those Acts); and

(b) identify any complaints that have been received in relation to the exercise of those powers; and

(c) summarise the actions taken in response to any complaints; and

(d) specify whether any powers were exercised in a manner inconsistent with the policy.

(2) The Minister must present a copy of the report to the House of Representatives in accordance with section 150(3) of the Crown Entities Act 2004.

Section 26X: substituted, on 25 November 1994, by section 15 of the Conservation Amendment Act 1994 (1994 No 108).

Section 26X(1A): inserted, on 21 December 2018, by section 8 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 26X(2): substituted, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

26Y Eligibility to vote

(1) Every New Zealand resident who holds an adult whole season licence that entitles that person to hunt game or fish for sports fish in a particular region in the season immediately preceding the next election, or in the period of 3 months before the close of the roll for any election, of members of the Fish and Game Council for that region shall be entitled to vote at that election.

(2) A person may choose to participate in any such election either at the time when he or she purchases a licence to hunt or fish or at any subsequent time before, but not later than 1 month before, the next election is held.

(3) For the purposes of this section, each Fish and Game Council shall maintain a register or roll of persons who indicate their wish to vote at an election of members of the Council.

Section 26Y: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26Y(1): substituted, on 13 March 1996, by section 20 of the Conservation Amendment Act 1996 (1996 No 1).

26Z Conduct of elections

(1) The election of members of Fish and Game Councils must be conducted—

(a) using either of the following methods of voting:

(i) postal voting:

(ii) a combination of electronic voting and postal voting; and

(b) in accordance with regulations made under section 48.

(2) *[Repealed]*

(3) The second election of members of each Fish and Game Council shall be held by that Council 3 years after the date of the first election of members of that Council, and subsequent elections shall be held every third year thereafter.

(4) At every election of members of a Fish and Game Council at least 1 member shall be elected for each subregion of the Council.

Section 26Z: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26Z(1): replaced, on 16 December 2017, by section 84(1) of the Electronic Interactions Reform Act 2017 (2017 No 50).

Section 26Z(2): repealed, on 16 December 2017, by section 84(2) of the Electronic Interactions Reform Act 2017 (2017 No 50).

26ZA Term of office of members of Fish and Game Councils

(1) Subject to subsections (2) to (5), every member of a Fish and Game Council shall hold office for a term of 3 years and may be re-elected.

(2) Any member of a Fish and Game Council may at any time be removed from office by the Minister for bankruptcy, inability to perform the functions of the office, neglect of duty, or misconduct, or a conviction for an offence involving sports fish or game or protected wildlife (being an offence under this Act or any other Act).

(3) A Fish and Game Council may at any time be discharged and any member of a Fish and Game Council may at any time be removed, by the Minister for failure to carry out any of its or his or her functions under this Act or the Wildlife Act 1953.

(4) Any member of any Fish and Game Council may at any time resign his or her office by writing addressed to the Minister.

(5) If any member of any Fish and Game Council dies, resigns, or is removed from office earlier than 6 months before his or her term of office is due to expire, the following provisions shall apply:

(a) if a majority of the eligible voters request that an election be held to fill the vacancy, an election shall be held accordingly:

(b) in any other case, the Council may appoint a person to fill the vacancy after giving public notice of its intention to do so.

(6) Where the Minister discharges a Fish and Game Council under subsection (3),—

(a) elections shall be held to fill the vacancies thereby created; and

(b) the Minister shall, in consultation with the New Zealand Fish and Game Council, make such arrangements as are necessary for the management of sports fish and game in the region pending the election of a new Council.

(7) Unless a member sooner dies, resigns, or is removed from office, every member of any Fish and Game Council shall continue in office until that member's successor comes into office, notwithstanding that the term for which that member was appointed may have expired.

Section 26ZA: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26ZA(2): amended, on 1 January 2002, by section 70(1) of the Human Rights Amendment Act 2001 (2001 No 96).

Section 26ZA(2): amended, on 13 March 1996, by section 21 of the Conservation Amendment Act 1996 (1996 No 1).

26ZB Members not personally liable

No member of a Fish and Game Council shall be personally liable for any default made by the Council or by any member of it, in good faith in the course of its operations.

Section 26ZB: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

26ZC Chairpersons of Fish and Game Councils

(1) The members of each Fish and Game Council shall appoint one of their number to be the chairperson of the Fish and Game Council for the term of that member's appointment or for such lesser period as the members think fit.

(2) The chairperson shall preside at all meetings of the Fish and Game Council at which he or she is present.

(3) If the chairperson is absent from any meeting of the Fish and Game Council, the members present shall appoint one of their number to be the chairperson of that meeting.

Section 26ZC: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

26ZD Meetings of Fish and Game Councils

(1) Meetings of any Fish and Game Council shall be held on at least 6 occasions in the period commencing on 1 February and ending on 31 December in each year at such times and places as the Council or the chairperson from time to time appoints.

(2) A special meeting shall be called by the chairperson whenever 3 or more members so request in writing.

(3) At any meeting of a Fish and Game Council, a majority of the members in office shall form a quorum, and no business shall be transacted at any meeting unless such a quorum is present.

(4) Every question before any meeting of a Fish and Game Council shall be determined by a majority of the members present and voting on the question.

(5) At any meeting of a Fish and Game Council, the chairperson of that meeting shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(6) The powers of a Fish and Game Council shall not be affected by any vacancy in its membership, nor shall the proceedings of the Council be invalidated merely because of the subsequent discovery that some defect existed in the appointment of any member.

(7) As soon as practicable after the end of its financial year and not later than 4 months thereafter, in every year of its operation, each Fish and Game Council

shall call a public annual general meeting at which the Council shall present its annual report and financial statement for the period of 12 months that ended on that day.

(8) Subject to the provisions of this Act, a Fish and Game Council may regulate its procedure in such manner as it thinks fit.

Section 26ZD: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26ZD(7): amended, on 7 July 2010, by section 4 of the Conservation Amendment Act (No 2) 2010 (2010 No 54).

Section 26ZD(7): amended, on 25 November 1994, by section 16 of the Conservation Amendment Act 1994 (1994 No 108).

26ZE Director-General entitled to attend meetings of Fish and Game Councils

Notice in writing of every meeting of a Fish and Game Council and of the business proposed to be transacted at that meeting shall be given by the Council to the Director-General, and the Director-General or the Director-General's nominee shall be entitled to attend and speak at any such meeting, but shall not be entitled to vote on any question.

Section 26ZE: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

26ZF No remuneration payable to members

(1) Except as otherwise provided by this Act or any regulations made under this Act, no member of any Fish and Game Council shall be entitled to receive any remuneration, allowances, or expenses in respect of his or her service as a member of that Council.

(2) No member of any Fish and Game Council shall be granted free of charge a licence to take sports fish or to hunt or kill game.

Section 26ZF: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26ZF(2): added, on 13 March 1996, by section 22 of the Conservation Amendment Act 1996 (1996 No 1).

Part 5B
Freshwater fisheries

Part 5B: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

26ZG Application of Part

(1) Subject to subsection (2), this Part shall apply only in relation to freshwater fisheries.

(2) Nothing in this Part shall apply to—

(a) any person using a landing net to secure freshwater fish lawfully taken with a rod and line; or

(b) any person who, having unintentionally taken any freshwater fish contrary to the provisions of this Act or any regulations made under it, immediately returns the fish with as little injury as possible, to the water; or

(c) the taking, holding, possession, sale, or disposal of freshwater fish by—

(i) a person who is specifically authorised under the Fisheries Act 1996 or any regulations made under that Act; or

(ii) a person who is specifically authorised under any regulations made under section 48B of this Act; or

(iii) a person acting under the authority of a registration of a fish farmer under Part 9A of the Fisheries Act 1996; or

(iv) a person who is specifically authorised by or under Treaty settlement legislation.

(3) To avoid doubt, subsection (2) does not limit or affect section 26ZI or section 26ZM.

Compare: 1983 No 14 s 88(1); 1986 No 34 s 22

Section 26ZG: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26ZG(2): amended, on 1 January 2005, by section 3(1) of the Conservation Amendment Act 2004 (2004 No 105).

Section 26ZG(2)(a): amended, on 13 March 1996, by section 23(2) of the Conservation Amendment Act 1996 (1996 No 1).

Section 26ZG(2)(c): replaced, on 22 October 2019, by section 6 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 26ZG(3): added, on 1 January 2005, by section 3(3) of the Conservation Amendment Act 2004 (2004 No 105).

Maori fishing rights

Heading: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

26ZH Maori fishing rights unaffected by this Part

(1) Nothing in this Part shall affect any Maori fishing rights.

(2) Subsection (1) does not apply to customary Māori fishing rights with respect to freshwater fisheries within South Island fisheries waters, in respect of which regulations have been made under section 48B, for so long as such regulations remain in force.

Section 26ZH: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26ZH(2): added, on 1 October 1998, by section 305(1) of the Ngāi Tahu Claims Settlement Act 1998 (1998 No 97).

Indigenous freshwater fish

Heading: inserted, on 22 October 2019, by section 7 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

26ZHA Approval under specified Acts to access public land is not approval for recreational fishing of indigenous freshwater fish

(1) An approval under this Act or an Act listed in Schedule 1 that enables access to public land for recreation purposes is not of itself an approval for recreational fishing of indigenous freshwater fish in any fisheries water on that land.

(2) In subsection (1), an approval under an Act includes an approval under any instrument made under that Act.

Section 26ZHA: inserted, on 22 October 2019, by section 7 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

26ZHB Prohibitions and restrictions on taking of indigenous freshwater fish

(1) A person must not take any indigenous freshwater fish from a conservation area except in accordance with an authorisation given under section 26ZHC(1)(a) or 26ZHD.

(2) A person may take indigenous freshwater fish from freshwater that is not a conservation area or part of a conservation area only if—

(a) the person takes the fish in accordance with an authorisation given under section 26ZHC(1)(b) or 26ZHD; or

(b) the person takes the fish—

(i) primarily as food for human consumption, including for sale as food for human consumption; and

(ii) in accordance with any regulations or notice made under this Act; or

(c) the person—

(i) takes the fish from the waters in a manner that does not lead to its injury or death; and

(ii) returns the fish to those waters as soon as practicable after taking it; and

(iii) at all times until the fish is returned, keeps the fish in close proximity to the waters, the person, and any fishing device used to take the fish.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine not exceeding $5,000.

Section 26ZHB: inserted, on 22 October 2019, by section 7 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

26ZHC Director-General may authorise taking of indigenous fish on application

(1) The Director-General may, on application, give a person written authorisation to take indigenous freshwater fish—

(a) from a conservation area if the Director-General is satisfied that the activity is consistent with the purpose for which the land is held and any requirements in regulations have been met; or

(b) from a freshwater area that is not a conservation area or part of a conservation area if the Director-General is satisfied that the activity is consistent with the management of freshwater fisheries in that area and any requirements in regulations have been met.

(2) An authorisation may be subject to any conditions or restrictions specified by the Director-General.

Section 26ZHC: inserted, on 22 October 2019, by section 7 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

26ZHD Director-General may authorise taking of indigenous fish by notice

(1) The Director-General may, by notice, give authorisation for the taking of indigenous freshwater fish from an area other than a national park.

(2) The notice must specify—

(a) the kind of indigenous fish that may be taken; and

(b) the area from which the fish may be taken; and

(c) the manner in which the fish may be taken.

(3) An authorisation may be subject to any conditions or restrictions specified by the Director-General.

(4) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 26ZHD: inserted, on 22 October 2019, by section 7 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 26ZHD heading: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 26ZHD(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 26ZHD(4): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Sports fisheries

Heading: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

26ZI Taking sports fish without licence prohibited

(1) Subject to this Act, every person commits an offence and is liable to a fine not exceeding $5,000 who—

(a) takes sports fish from any freshwater at any time, unless that person is the holder of a licence issued under this Act authorising him or her to take such fish from such waters at such time; or

(b) has in his or her possession any sports fish taken from any freshwater, unless the fish have been taken lawfully.

(2) Nothing in subsection (1) shall apply to the taking of sports fish for the purposes of scientific investigation or data collection, under a permit or authority under this Act, and in accordance with any conditions imposed by such permit or authority.

(3) Every person commits an offence and is liable to a fine not exceeding $5,000 who establishes, manages, or operates any fish hatchery for sports fish except pursuant to regulations made under this Act; but nothing in this subsection shall apply in relation to any hatchery for sports fish that is established or is being established at the commencement of this Part.

(4) No person shall establish, manage, or operate a fish farm for trout.

Compare: 1983 No 14 s 68; 1986 No 34 s 14

Section 26ZI: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Spawning fish

Heading: inserted, on 22 October 2019, by section 8 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

26ZJ Offences relating to spawning fish

(1) Every person commits an offence who—

(a) contravenes section 26ZJA(3):

(b) without authorisation, disturbs or injures the eggs or larvae of any freshwater fish:

(c) without authorisation, takes or has possession of the eggs or larvae of any freshwater fish:

(d) disturbs any sports fish that are congregating or have congregated to spawn:

(e) with any spear, gaff, speargun, net, trap, or similar device takes any sports fish from any river or stream where sports fish are congregating or have congregated for spawning:

(f) while in the vicinity of any river or stream where sports fish are congregating or have congregated for spawning, has possession or control of any spear, gaff, speargun, trap, or similar device or material suitable for the taking of any sports fish, in circumstances likely to result in the taking of sports fish.

(2) Subsection (1)(a) to (c) does not apply to the taking of freshwater fish subsequently found to contain eggs or larvae.

(3) Subsection (1)(d) to (f) does not apply to actions taken by a fish and game ranger.

(4) In this section, **authorisation** means an authorisation given under section 26ZJA(4) or (5).

Section 26ZJ: replaced, on 22 October 2019, by section 9 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

26ZJA Director-General may declare spawning area

(1) The Director-General may, by notice, declare an area to be a spawning area if the Director-General has reasonable grounds to believe that the area—

(a) is being used for the spawning of freshwater fish; or

(b) is suitable for the spawning of freshwater fish.

(2) Without limiting subsection (1), the Director-General may make a notice declaring a spawning area under that subsection on the recommendation of the New Zealand Fish and Game Council in relation to the spawning of sports fish in the area.

(3) A person must not carry out an activity in a declared spawning area that disturbs or is reasonably likely to disturb the area unless—

(a) the Director-General has given authorisation under subsection (4) or (5) for the activity to be carried out; and

(b) the person complies with any conditions or restrictions specified in the authorisation.

(4) The Director-General may, by notice, give authorisation for a specified activity to be carried out in a declared spawning area that disturbs or is reasonably likely to disturb the area, if the Director-General is satisfied that—

(a) the activity would have no more than a minor effect on the suitability of the area for the spawning of freshwater fish; or

(b) the activity is necessary for the restoration of the area; or

(c) the purpose of the activity outweighs any adverse effect it may have on the spawning of freshwater fish in the area.

(5) The Director-General may, on application, give a person written authorisation to carry out a specified activity in a declared spawning area that disturbs or is reasonably likely to disturb the area if the Director-General is satisfied that—

(a) subsection (4)(a), (b), or (c) applies to the activity; and

(b) any requirements in regulations have been met.

(6) An authorisation under subsection (4) or (5) may be subject to any conditions or restrictions specified by the Director-General in the authorisation.

(7) In this section, an activity **disturbs a declared spawning area** if it—

(a) disturbs the spawning of freshwater fish in the area; or

(b) makes the area less suitable for the spawning of freshwater fish in the area.

(8) A notice under subsection (1) or (4) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under subsection (1)		
Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Legislation Act 2019 requirements for secondary legislation made under subsection (4)		
Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 26ZJA: inserted, on 22 October 2019, by section 9 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 26ZJA(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 26ZJA(4): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 26ZJA(8): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Various restrictions relating to fishing and aquatic life

Heading: inserted, on 22 October 2019, by section 9 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

26ZK Fishing competitions relating to sports fish

No competition involving the taking of sports fish shall be held unless it conforms in all respects with any regulations made under this Act.

Compare: 1983 No 14 s 69A; 1986 No 34 s 17

Section 26ZK: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

26ZL Restrictions on fishing

(1) The Director-General, may, by notice, for such period as may be specified in the notice and notwithstanding that it is otherwise lawful under this Act,—

(a) *[Repealed]*

(b) prohibit or impose restrictions and conditions on entry into any waters within a specified distance of any device erected in those waters for the purpose of preventing or controlling the movement of fish upstream or downstream or on entry to any land within a specified distance of any such device:

(c) prohibit or impose restrictions or conditions on fishing in any waters or in any specified part or parts thereof, or on the taking of any species of fish therein, or on the methods of fishing in such waters:

(d) in the case of freshwater fish (other than sports fish) exempt communities either wholly, partially, or conditionally, or in respect of any specified waters, from the operation of any such prohibition, restriction, or other condition in the notice.

(2) Any Fish and Game Council may request the Director-General to issue a notice under subsection (1).

(2A) Every person commits an offence and is liable to a fine not exceeding $5,000 who contravenes any prohibitions, restrictions, or conditions imposed by a notice given in accordance with subsection (1).

(3) Notwithstanding subsection (1), the Director-General shall not impose any prohibition, restriction, or other condition that relates to the taking of sports fish from any waters in any area within the jurisdiction of a Fish and Game Council without prior consultation with that Council, nor restrict entry to any area without prior consultation with the appropriate regional council or any government agency that has statutory control over the land involved.

(4) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(5) A notice does not take effect until—

(a) the notice has been published under the Legislation Act 2019; and

(b) 2 consecutive Saturdays (including the day it is published if that is a Saturday) have passed since the notice was first published.

Compare: 1983 No 14 s 70

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it on at least 2 consecutive Saturdays in 1 or more daily newspapers circulating in the area concerned	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 26ZL: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26ZL(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 26ZL(1)(a): repealed, on 22 October 2019, by section 10 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 26ZL(2): amended, on 15 November 2000, by section 3 of the Conservation Amendment Act 2000 (2000 No 56).

Section 26ZL(2A): inserted, on 3 June 1998, by section 3(2) of the Conservation Amendment Act 1998 (1998 No 33).

Section 26ZL(3): amended, on 13 March 1996, by section 25 of the Conservation Amendment Act 1996 (1996 No 1).

Section 26ZL(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 26ZL(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

26ZM Transfer or release of live aquatic life

(1) No person shall transfer live aquatic life or release live aquatic life into any freshwater, except in accordance with this section.

(2) The prior approval of the Minister of Fisheries shall be required for the following:

(a) the movement of live aquatic life between locations where the species already exists:

(b) the movement of live aquatic life between the islands of New Zealand.

(3) The prior approval of the Minister of Conservation shall be required for the following:

(a) the transfer of live aquatic life to or the release of live aquatic life in a new location where the species does not already exist (including the transfer of a new species to or the release of a new species in an existing or a new fish farm):

(b) the transfer of a species of live aquatic life to any land or water managed or administered under this Act or any other Act specified in Schedule 1.

(4) The following provisions shall apply where the approval of the Minister of Conservation is required under subsection (3):

(a) the applicant must, unless subsection (4A) applies, advertise, on at least 2 consecutive Saturdays in at least 1 newspaper circulating in the area concerned, the intention to transfer or release live aquatic life:

(b) every advertisement under paragraph (a) shall state that submissions or objections in respect of its subject matter should be sent to the Director-General within 20 working days after the date specified in the advertisement for that purpose (being a date that is not earlier than the date on which the advertisement is first published):

(c) the Director-General may require an applicant to provide an environmental impact assessment report before granting approval:

(d) if the live aquatic life that is to be transferred or released is a species of sports fish, at least 10 working days before the Minister decides whether to give approval,—

(i) the Director-General must give written notice to the Fish and Game Council for the region or regions in which the transfer or release of the sports fish is to take place; and

(ii) the Minister must have regard to any comments provided by the Fish and Game Council within the time frame specified in that notice.

(4A) The Director-General may, at the request of the applicant, determine that compliance with subsection (4) is not required if satisfied that the proposed activity is unlikely to have an adverse effect on the freshwater fishery concerned.

(5) Every person commits an offence and is liable to a fine not exceeding $5,000 who contravenes or fails to comply with subsection (1).

(5A) Nothing in this section applies to the transfer of any live aquatic life to an existing fish farm where the species is already present.

(6) Except where the Director-General or the Director-General of Agriculture and Fisheries requires it to comply with this section, nothing in this section shall apply to the transfer by a Fish and Game Council of sports fish to another location within the same island in New Zealand where the species is already present.

(7) Except as provided in subsections (5A) and (6), this section applies to all persons.

Section 26ZM: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26ZM(2)(a): amended, on 22 October 2019, by section 11(1) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 26ZM(4)(a): amended, on 22 October 2019, by section 11(2) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 26ZM(4)(b): amended, on 17 May 2005, by section 3 of the Conservation Amendment Act 2005 (2005 No 47).

Section 26ZM(4)(d): inserted, on 22 October 2019, by section 11(3) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 26ZM(4A): inserted, on 22 October 2019, by section 11(4) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 26ZM(5): substituted, on 13 March 1996, by section 26(1) of the Conservation Amendment Act 1996 (1996 No 1).

Section 26ZM(5A): inserted, on 13 March 1996, by section 26(1) of the Conservation Amendment Act 1996 (1996 No 1).

Section 26ZM(7): added, on 13 March 1996, by section 26(2) of the Conservation Amendment Act 1996 (1996 No 1).

26ZN Fishing rights not to be sold or let

(1) Every person commits an offence against this Act who sells or lets the right to fish in any freshwater.

(2) For the purposes of subsection (1), the expression **sells or lets the right to fish** does not include—

(a) the selling or letting of fishing rights on any licensed fish farm to the general public; or

(b) the grant of a concession by the Minister to a sports fishing guide; or

(c) charges made for guiding services by any sports fishing guide.

Section 26ZN: substituted, on 13 March 1996, by section 27 of the Conservation Amendment Act 1996 (1996 No 1).

26ZO Occupier may fish without licence

(1) Subject to this Act, any person who is the lawful occupier of any land may fish on such land or waters within such land without a licence or payment of fee, within the period and upon such terms and conditions, as may be specified in any notice issued pursuant to section 26ZL, or in any Anglers Notice applying, or in any regulations made under section 48 or section 48A, without being liable to any penalty for so doing.

(2) For the purposes of this section, the term **lawful occupier** includes the owner of the land and any person who has the right to occupy the land pursuant to a written agreement for a period of not less than 6 months; but does not include the manager of a marginal strip.

(3) Every person who claims to be the lawful occupier of any land pursuant to an agreement referred to in subsection (2) shall produce the agreement on demand by a warranted officer or fish and game ranger or at any office of the Department or Fish and Game Council within 7 days of a demand by a warranted officer or fish and game ranger.

Compare: 1983 No 14 s 74; 1986 No 34 s 18

Section 26ZO: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26ZO(1): amended, on 13 March 1996, by section 28 of the Conservation Amendment Act 1996 (1996 No 1).

Section 26ZO(3): amended, on 25 November 1994, by section 17 of the Conservation Amendment Act 1994 (1994 No 108).

Miscellaneous provisions

Heading: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

26ZP Determination of closed seasons for fishing

(1) The Director-General may, by notice,—

(a) determine a closed season for fishing 1 or more species of freshwater fish (other than sports fish) in an area for a period not exceeding 5 years; or

(b) extend or vary a determination or vary a determination that has been extended so long as the total period of the closed season does not exceed 5 years.

(2) A notice—

(a) must state the purpose of the closed season, the species of fish and the area to which the closed season applies, and the duration of the closed season; and

(b) does not take effect until—

(i) the notice has been published under the Legislation Act 2019; and

(ii) 2 consecutive Saturdays (including the day it is published if that is a Saturday) have passed since the notice was first published.

(3) A person commits an offence who, without authorisation under this section, takes, possesses, or in any way injures or disturbs a fish to which a closed season applies.

(4) Every person who commits an offence against this section is liable to a fine not exceeding $5,000, and to a further fine not exceeding $20 in respect of every fish in relation to which the offence was committed.

(5) Any person who, during any closed season, is found in possession of any fish shall be deemed to have taken or obtained that fish during such closed season until the contrary is proved.

(6) The Director-General may, on application, give a person written authorisation to take fish to which a closed season applies if satisfied that—

(a) the taking of the fish is consistent with the purpose of the closed season; and

(b) the person has met the requirements (if any) set out in regulations.

(7) An authorisation may be subject to any conditions or restrictions specified by the Director-General or in regulations.

(8) A notice under subsection (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1983 No 14 s 85(2)–(7)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it on at least 2 consecutive Saturdays in 1 or more daily newspapers circulating in the area concerned	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 26ZP: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26ZP(1): replaced, on 22 October 2019, by section 12(1) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 26ZP(2): replaced, on 22 October 2019, by section 12(1) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 26ZP(2)(b): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 26ZP(3): replaced, on 22 October 2019, by section 12(1) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 26ZP(5): amended, on 22 October 2019, by section 12(2) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 26ZP(6): inserted, on 22 October 2019, by section 12(3) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 26ZP(7): inserted, on 22 October 2019, by section 12(3) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 26ZP(8): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

26ZQ Buying, selling, or possessing fish, contrary to Act

(1) Every person commits an offence who buys, sells, or has in his or her possession for the purpose of sale any freshwater fish taken in New Zealand in contravention of this Part, or any regulation made or notice given under this Act.

(1A) Every person commits an offence who buys, sells, or has in his or her possession for the purpose of sale any sports fish taken in New Zealand, whether taken lawfully or otherwise.

(2) For the purpose of this section, fish shall be deemed to be sold if it forms part of a meal for which payment for that meal or any part of the meal is made, or which is supplied to any person (whether in accordance with the terms of a contract of service or otherwise) who is employed by the person by whom the meal is supplied:

provided that nothing in this subsection applies to sports fish taken legally pursuant to a current licence and served to the angler who took the fish and the angler's immediate guests.

(3) Nothing in this section applies to the purchase, sale, or possession for sale of sports fish where the sale or intended sale is between Fish and Game Councils, or between a Fish and Game Council and the Crown acting for conservation purposes, where the fish have been bred or reared by the seller.

Compare: 1983 No 14 s 69; 1986 No 34 s 16

Section 26ZQ: inserted, on 10 April 1990, by section 17 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 26ZQ(1A): inserted, on 13 March 1996, by section 29 of the Conservation Amendment Act 1996 (1996 No 1).

26ZQA Possessing certain kinds of fish without approval

(1) In this section, **restricted fish** means—

(a) live grass carp; or

(b) live silver carp.

(2) The Minister of Conservation may approve a person's possession of restricted fish.

(3) The following provisions apply when the approval of the Minister of Conservation is required under subsection (2):

(a) the applicant must advertise, on at least 2 consecutive Saturdays in at least 1 newspaper circulating in the area concerned, the intention to possess the fish:

(b) every advertisement under paragraph (a) must state that submissions or objections in respect of its subject matter should be sent to the Director-General:

(c) the Director-General may require an applicant to provide an environmental impact assessment report before the Minister grants approval.

(4) A person who possesses restricted fish must have at least 1 of the following approvals relating to the person who possesses the fish and to the kind of fish the person possesses:

(a) an approval under subsection (2):

(b) an approval under section 26ZM(2):

(c) an approval under section 26ZM(3).

(5) Every person commits an offence, and is liable to a fine not exceeding $5,000, who, without reasonable cause, knowingly possesses restricted fish—

(a) knowing that none of the approvals described in subsection (4) has been given; or

(b) being reckless as to whether or not any of those approvals has been given.

(6) Section 43B does not apply to an offence under subsection (5).

Section 26ZQA: inserted, on 15 November 2000, by section 4 of the Conservation Amendment Act 2000 (2000 No 56).

26ZR Using hazardous substances to catch or destroy fish

(1) Every person commits an offence who, for the purpose of taking or destroying any freshwater fish, uses in any water any hazardous substance, narcotic substance, or any electric fishing device.

(2) Subsection (1) does not apply to actions taken by—

(a) a fish and game ranger or an employee or a contractor of the Department; or

(b) any person authorised in writing for the purpose by the Director-General, the Director, or the appropriate Fish and Game Council.

(3) In this section, the term **hazardous substance** has the same meaning as in section 2 of the Hazardous Substances and New Organisms Act 1996.

Section 26ZR: substituted, on 2 July 2001, by section 149 of the Hazardous Substances and New Organisms Act 1996 (1996 No 30).

Section 26ZR(2): substituted, on 7 July 2010, by section 5 of the Conservation Amendment Act (No 2) 2010 (2010 No 54).

Section 26ZR(2)(a): replaced, on 22 October 2019, by section 13 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Part 5C
Control of dogs

Part 5C: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

26ZS Controlled dog areas and open dog areas

(1) Subject to sections 26ZT to 26ZZF, the Minister may from time to time, by notice, declare any part or parts of the land managed and administered by the Minister or Department under any of the following Acts, namely,—

(a) the Foreshore and Seabed Endowment Revesting Act 1991 so far as it is saved by section 30(2) of the Foreshore and Seabed Act 2004:

(ab) the Marine and Coastal Area (Takutai Moana) Act 2011:

(b) the Reserves Act 1977:

(c) the Sugar Loaf Islands Marine Protected Area Act 1991:

(d) the Waitangi Endowment Act 1932–33:

(e) *[Repealed]*

(f) the Wildlife Act 1953:

(g) this Act,—

to be either a controlled dog area or an open dog area.

(2) The Minister may from time to time, by notice, amend or revoke any notice under this section or, subject to section 26ZX, amend or revoke any conditions imposed under section 26ZU(c).

(3) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 26ZS: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

Section 26ZS(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 26ZS(1)(a): amended, on 25 November 2004, by section 103(1) of the Foreshore and Seabed Act 2004 (2004 No 93).

Section 26ZS(1)(ab): substituted, on 1 April 2011, by section 128 of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Section 26ZS(1)(e): repealed, on 30 September 2008, by section 82 of the Walking Access Act 2008 (2008 No 101).

Section 26ZS(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 26ZS(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

26ZT Areas excluded from open dog areas

An open dog area may not include—

(a) any part of an area declared under section 18 to be held for the purpose of a wilderness area, an ecological area, or a sanctuary area or for 2 or more of those purposes; or

(b) any part of a reserve classified—

(i) under section 13 of the Reserves Act 1977 as a national reserve; or

(ii) under section 19 of the Reserves Act 1977 as a scenic reserve; or

(iii) under section 20 of the Reserves Act 1977 as a nature reserve; or

(iv) under section 21 of the Reserves Act 1977 as a scientific reserve; or

(c) any part of a reserve set apart under section 47 of the Reserves Act 1977 as a wilderness area; or

(d) any part of the Protected Area defined by the Sugar Loaf Islands Marine Protected Area Act 1991; or

(e) any part of an area declared—

(i) under section 9 of the Wildlife Act 1953 to be a wildlife sanctuary; or

(ii) under section 14 of the Wildlife Act 1953 to be a wildlife refuge; or

(iii) under section 14A of the Wildlife Act 1953 to be a wildlife management reserve.

Section 26ZT: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

26ZU Matters that may be included in declarations of controlled dog areas or open dog areas

The Minister may, in any notice published under section 26ZS,—

(a) assign a name to any controlled dog area or open dog area:

(b) define the boundaries of any controlled dog area or open dog area:

(c) impose conditions in relation to access to, and control of dogs in, any controlled dog area or any open dog area:

(d) specify the times of day and periods of the year when a controlled dog area may be open to dogs:

(e) describe the area of any controlled dog area or open dog area and define the boundaries of any such area by 1 or more of the following methods:

(i) by reference to any plan lodged in the Office of the Chief Surveyor and approved by the Chief Surveyor:

(ii) by reference to any plan certified as correct for the purposes of section 62:

(iii) by reference to any existing survey:

(iv) in accordance with standards agreed from time to time by the Director-General and the Chief Surveyor or Surveyor-General, as the case may be:

(v) by reference to any description or plan or both included in any conservation management strategy either notified or approved under section 17F:

(vi) by any description which is referenced to a map held by the Director-General and which, in the Minister's opinion, will adequately identify the area and its boundary:

(vii) by reference to any description or plan in any relevant *Gazette* notice.

Section 26ZU: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

26ZV Matters about which Minister must be satisfied

The Minister shall not publish a notice under section 26ZS in respect of any land unless the Minister is satisfied—

(a) that the declaration of that land as a controlled dog area or an open dog area is consistent with—

(i) the purposes for which the land is held; and

(ii) where the land is part of a conservation area, the management objectives of the conservation area as set out in the relevant conservation management strategy or conservation management plan; and

(b) that, in any case where the land is to be declared to be an open dog area, the declaration of the land as an open dog area, with or without conditions,—

(i) will not result in any significant risk of injury to or disturbance of protected wildlife vulnerable to dogs known by the Minister to be present, or, by reason of the habitat or source of food that the land provides, to be likely to be present, on the land; and

(ii) is consistent with any plans to reintroduce protected wildlife vulnerable to dogs onto the land.

Section 26ZV: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

26ZW Matters to be taken into account in relation to declaration

The Minister shall, in deciding whether to publish a notice under section 26ZS in respect of any land that is part of a conservation area, take account of—

(a) the purposes for which the land is held:

(b) the provisions of any relevant—

(i) statement of general policy; or

(ii) conservation management strategy; or

(iii) conservation management plan:

(c) where any protected wildlife vulnerable to dogs is present, or, by reason of the habitat or source of food that the land provides, is likely to be present, on or in the vicinity of the land, the actual or potential risk of injury to, or disturbance of, that wildlife:

(d) the proximity of the land to urban centres, and the history and potential of the land as a recreation opportunity for people with dogs:

(e) the range and variety of other public places which are available for recreational use by people with dogs and which have traditionally been so used by people with dogs who might use the land were it declared to be a controlled dog area or an open dog area:

(f) any adverse effects on recreational use and enjoyment by people without dogs that might result from the use of the land as a controlled dog area or an open dog area.

Section 26ZW: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

26ZX Matters relevant to determination of conditions

The Minister, in determining the conditions to be included in any notice published under section 26ZS in relation to any land, shall have regard, among other things, to—

(a) any actual or potential risk to protected wildlife vulnerable to dogs that is present, or, by reason of the habitat or source of food that the land provides, is likely to be present on or in the vicinity of the land:

(b) the purposes for which the land is held:

(c) the provisions of any relevant statement of general policy, conservation management strategy, or conservation management plan:

(d) the need to preserve the safety of members of the public who are likely to be on the land or in the vicinity of the land:

(e) any conflict between—

(i) dogs or people with dogs; and

(ii) other users of the land—

that may or will occur on the land in relation to the use of the land.

Section 26ZX: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

26ZY Preparation of discussion document

Where the Minister proposes the establishment of a controlled dog area or an open dog area or both, the Minister shall forthwith prepare, after consultation with the appropriate Conservation Boards, regional councils, territorial authorities, iwi authorities, Fish and Game Councils, and such other persons or organisations as the Minister thinks appropriate, a discussion document that shall—

(a) define the boundaries of the proposed controlled dog area or open dog area:

(b) state the name of the proposed controlled dog area or open dog area:

(c) identify the protected wildlife vulnerable to dogs known to be, or likely to be, in the area and the periods of the day or the periods of the year at which such protected wildlife is likely to be present:

(d) where there are periods of the day or periods of the year at which protected wildlife vulnerable to dogs is known to be in the area, or, by reason of the habitat or source of food the land provides, is likely to be in the area,—

(i) specify, either generally or in relation to specified parts of the land (including the marginal strips), the periods of the day or the periods of the year at which dogs should, due to the presence or likely presence throughout the year of protected wildlife vulnerable to dogs, either not be allowed at any time or should be controlled; or

(ii) specify areas that, due to the presence or likely presence at certain periods of the day or certain periods of the year of protected wildlife vulnerable to dogs, may be open only for specified periods of the day or specified periods of the year:

(e) specify the conditions that appear appropriate in relation to access to, and control of dogs in, any open dog area or controlled dog area.

Section 26ZY: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

26ZZ Notification of discussion document

(1) The discussion document shall be publicly notified by the Minister in accordance with section 49(1).

(2) In addition, the Minister shall serve copies of the discussion document on the appropriate regional councils, territorial authorities, and iwi authorities.

(3) The notice under subsection (1) shall—

(a) state that the discussion document is available for inspection at the places and times specified in the notice; and

(b) call upon persons or organisations interested to lodge with the Director-General submissions on the discussion document before the date specified in that behalf in the notice, being a date not less than 40 working days after the date of publication of the notice.

Section 26ZZ: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

26ZZA Inspection of discussion document

From the date of public notification of a discussion document until the end of the period specified in the notice published under section 26ZZ, the Director-General shall make the discussion document available for public inspection

during normal office hours, in such places and quantities as are likely to encourage public participation.

Section 26ZZA: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

26ZZB Submissions on discussion document

Any person or organisation may make written submissions to the Director-General on the discussion document at the place and before the date specified in that behalf in the notice.

Section 26ZZB: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

26ZZC Hearing of submissions

(1) The Director-General shall give every person or organisation who or which, in making any submissions on the discussion document, asked to be heard in support of his or her or its submissions a reasonable opportunity of appearing before a representative or representatives of the Director-General.

(2) Any representative or representatives of the Director-General may hear submissions from any other person or organisation consulted on the discussion document.

Section 26ZZC: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

26ZZD Summary of submissions

The Director-General shall prepare a summary of the submissions received on the discussion document.

Section 26ZZD: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

26ZZE Recommendation of Director-General

(1) The Director-General shall, after considering such submissions and public opinion and having regard to the views of the relevant Conservation Boards and Fish and Game Councils, revise the discussion document and any recommendations contained in the discussion document and send it to the Minister for approval.

(2) The Minister shall—

(a) approve the recommendations; or

(b) approve the recommendations with such changes as the Minister considers appropriate; or

(c) decline to approve the recommendations.

Section 26ZZE: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

26ZZF Issue of notice

Where the Director-General recommends the publication of a notice under section 26ZS, the Minister,—

(a) if he or she is satisfied about the matters specified in section 26ZT; and

(b) if he or she has taken into account the matters specified in section 26ZU; and

(c) if he or she in fixing any conditions has had regard to the matters specified in section 26ZV,—

may approve the recommendation, with or without changes, and may publish a notice under section 26ZS.

Section 26ZZF: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

Section 26ZZF: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

26ZZG Restrictions on access to controlled dog area

Except as provided in sections 26ZZH and 26ZZI, no person, being an owner of a dog or a person in charge of a dog, shall allow that dog to enter or remain in any part of a controlled dog area.

Section 26ZZG: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

26ZZH Dog control permits

(1) Subject to section 26ZZI, the Director-General may from time to time issue in respect of any dog a dog control permit allowing the owner or any other person in charge of that dog to take that dog into any controlled dog area specified in the permit.

(2) Without limiting the generality of subsection (1), it is hereby declared that the Director-General may refuse to issue a dog control permit if the permit is sought—

(a) in relation to a dog that is classified as a dangerous dog under section 31 of the Dog Control Act 1996 or is not registered under that Act; or

(b) by a person who is—

(i) a person classified under section 21(1) of the Dog Control Act 1996 as a probationary owner; or

(ii) a person disqualified under section 25 of the Dog Control Act 1996 from being the owner of any dog; or

(iii) a person who has been convicted of an offence under the Dog Control and Hydatids Act 1982; or

(iv) a person who has been convicted of an offence against section 26ZZP or section 26ZZQ of this Act or section 56I of the National Parks Act 1980; or

(v) a person who has been convicted of an offence against the Wildlife Act 1953, the Marine Mammals Protection Act 1978, or the Trade in Endangered Species Act 1989 or any regulations made under any of those Acts.

(3) Every dog control permit issued under subsection (1) shall be subject to—

(a) the condition that the holder carry the permit on his or her person whenever the holder is in a controlled dog area and is accompanied by the dog; and

(b) such other conditions as the Director-General thinks fit to impose.

(4) Every dog control permit issued under subsection (1) shall state the activity and purpose for which it is issued.

Section 26ZZH: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

26ZZI Requirements in relation to dog control permits

(1) The Director-General, in exercising his or her powers under subsection (1) or subsection (3)(b) of section 26ZZH shall have regard to the matters specified in sections 26ZV to 26ZX.

(2) The Director-General shall not issue a dog control permit under section 26ZZH(1) unless he or she is satisfied—

(a) that a dog is essential for the proposed activity; and

(b) that the proposed activity—

(i) is lawful; and

(ii) is not inconsistent with the purposes for which the land is held or any relevant conservation management strategy or conservation management plan.

Section 26ZZI: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

26ZZJ Power to amend or revoke dog control permit

The Director-General may amend or revoke any dog control permit issued under section 26ZZH(1).

Section 26ZZJ: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

26ZZK Persons authorised to take dogs into controlled dog area without dog control permit

(1) Any person being—

(a) a Police employee; or

(b) a warranted officer; or

(c) an officer or employee of the Department; or

(d) a Customs officer; or

(e) a search and rescue person,—

may, in the course of his or her official duties or in the course of his or her training for those duties and without being the holder of a dog control permit, take a dog into a controlled dog area.

(2) Any blind or partly blind person who uses a guide dog may, without being the holder of a dog control permit, take that guide dog into a controlled dog area.

(3) Any person who uses a companion dog may, without being the holder of a dog control permit, take that companion dog into a controlled dog area.

Section 26ZZK: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

Section 26ZZK(1)(a): amended, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

26ZZL Seizure and destruction of dogs

(1) Any warranted officer who finds a dog in a controlled dog area, may, unless that dog—

(a) is in the controlled dog area in accordance with a dog control permit issued under section 26ZZH(1); or

(b) is in the controlled dog area in accordance with section 26ZZK,—

seize the dog.

(2) Where a dog is in a controlled dog area by virtue of a dog control permit issued under section 26ZZH(1), any warranted officer may seize that dog if—

(a) the dog is not in the immediate vicinity of the holder of the permit and the warranted officer has good cause to suspect that there is a significant risk—

(i) of injury to any person or any protected wildlife; or

(ii) of disturbance to any protected wildlife; or

(b) any condition, being a condition imposed under section 26ZU(c) in relation to the controlled dog area or a condition of the permit, is not being observed in relation to the dog; or

(c) the holder of the permit is in the immediate vicinity of the dog but the warranted officer has good cause to suspect that the holder of the permit is unwilling or unable to control the dog; or

(d) the dog has caused injury to any person or to any protected wildlife or has killed any protected wildlife.

(3) Where a dog is at large in an open dog area and a warranted officer or any other person has good cause to suspect—

(a) that any condition imposed under section 26ZU(c) in relation to the open dog area is not being observed in relation to that dog; or

(b) that dog is likely to cause annoyance or distress to any person or animal; or

(c) that dog is likely to damage any property in the open dog area; or

(d) that dog has caused annoyance or distress to any person or animal; or

(e) that dog has damaged any property in the open dog area; or

(f) that dog has caused injury to any person or to any protected wildlife or has killed any protected wildlife,—

that warranted officer or other person may seize that dog.

(4) Where a warranted officer has, under any provision of subsections (1) to (3), power to seize a dog but is of the opinion that it is impracticable or dangerous to do so, that warranted officer may, without any further inquiry, destroy that dog.

Section 26ZZL: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

26ZZM Disposal of seized dog

(1) Where a warranted officer or any other person seizes a dog under any provision of section 26ZZL, that warranted officer or other person may—

(a) cause that dog to be returned to its owner; or

(b) hold the dog in a kennel under the Director-General's custody; or

(c) place the dog in the custody of a territorial authority to be impounded under section 69 of the Dog Control Act 1996.

(2) Where a dog is held by the Director-General under subsection (1)(b), the following provisions shall apply:

(a) the Director-General may, in his or her discretion, return the dog to its owner subject to payment by the owner of any charges incurred, unless the Director-General, in his or her discretion, decides to waive or reduce the charges:

(b) the Director-General or an employee of the Department shall, as soon as practicable after the dog has been seized,—

(i) give written notice to the nearest territorial authority that the dog has been seized and is held by the Department and shall include in that notice a description of the dog and any other means of identifying it:

(ii) give written notice to the owner of the dog (where the owner of the dog is known or can reasonably be located) that the dog has been seized and that, unless the dog is claimed and any charges paid within 7 days of the receipt of that notice, the dog may be

sold, destroyed, or otherwise disposed of in such manner as the Director-General thinks fit; and after the expiry of that period the Director-General may so dispose of the dog:

(c) where the owner of the dog is not known and cannot be identified, the Director-General may, after the expiry of 7 days after the date of the seizure of the dog, sell, destroy, or otherwise dispose of the dog in such manner as the Director-General thinks fit:

(d) the sale, destruction, or other disposal of a dog under these provisions shall not relieve any former owner of the dog of the liability to pay any fees incurred in respect of the dog's seizure, sustenance, and holding.

(3) Where a dog which is not registered under the Dog Control Act 1996 but which ought to be so registered is held by the Department under subsection (1)(b), no offence is committed against section 42 of that Act by the person holding the dog under subsection (1)(b).

(4) Except as provided in subsection (1)(c), nothing in section 69 of the Dog Control Act 1996 affects or limits the provisions of this section.

Section 26ZZM: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

26ZZN Supply of information in relation to ownership of dogs

(1) No employee of the Department shall disclose, otherwise than in accordance with this section, information which is given to a territorial authority under section 26ZZM(2)(b)(i) and which—

(a) identifies, or will assist any person to identify, the name and address of the registered owner of any specified dog; or

(b) identifies, or will assist any person to identify, the address at which the specified dog is ordinarily kept.

(2) Where—

(a) any constable; or

(b) any officer of the Department; or

(c) any territorial authority; or

(d) any society established for the prevention of cruelty to animals or for animal welfare purposes; or

(e) any inspector under the Animal Welfare Act 1999; or

(f) any registered veterinary surgeon—

requests, for any lawful purpose, any information of the kind described in subsection (1) which is held by the Department, the Department shall comply with the request.

Section 26ZZN: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

Section 26ZZN(2)(a): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 26ZZN(2)(e): amended, on 1 January 2000, by section 194 of the Animal Welfare Act 1999 (1999 No 142).

26ZZO Recovery of costs relating to dogs

(1) The reasonable costs of the seizure, holding, maintaining, or destruction of a dog under this Part shall constitute a debt due to the Crown by the owner of the dog and, subject to subsection (2), shall be recoverable by the Director-General from the owner of the dog.

(2) The Director-General may, in the Director-General's absolute discretion, refund or waive payment of all or any part of any sum paid or required to be paid under this section.

Section 26ZZO: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

26ZZP Offences

Every person commits an offence against this Act and is liable on conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding $10,000 or to both who,—

(a) being the owner of a dog or a person in charge of a dog, allows that dog, in contravention of section 26ZZG, to enter or remain in any part of a controlled dog area; or

(b) being the holder of a dog control permit issued to that person under section 26ZZH(1), takes any dog to which that permit relates into any part of the controlled dog area otherwise than in accordance with the conditions of that permit; or

(c) being the owner of a dog or a person in charge of a dog, fails to keep under his or her immediate or apparent control a dog that he or she has taken into a controlled dog area; or

(d) being the owner or a person in charge of a dog, fails, in relation to any controlled dog area or open dog area, to comply with any condition imposed under section 26ZU(c) in relation to that controlled dog area or open dog area.

Section 26ZZP: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

Section 26ZZP: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

26ZZQ Dogs causing serious injury to protected wildlife

(1) A person commits an offence if the person is the owner, or a person in charge, of a dog that attacks protected wildlife in a controlled dog area or an open dog area and causes—

(a) the death of protected wildlife; or

(b) injury to protected wildlife so that it becomes necessary to destroy the wildlife to end its suffering.

(2) The person is liable on conviction to imprisonment for a term not exceeding 12 months or a fine not exceeding $10,000, or both.

(3) The court must, on convicting the person, make an order for the destruction of the dog unless satisfied that the circumstances of the attack were exceptional and do not justify destruction.

Section 26ZZQ: substituted, on 7 July 2010, by section 6 of the Conservation Amendment Act (No 2) 2010 (2010 No 54).

Section 26ZZQ(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

26ZZR Power of warranted officer to request information

(1) Any warranted officer may, for the purposes of dog control in any controlled dog area, request any person who is in that controlled dog area and who appears to be in charge of any dog to state his or her own name, address, and date of birth, and, where that person claims not to be the owner of the dog, to state the name and address of the owner of the dog.

(2) Every person commits an offence and is liable on conviction to a fine not exceeding $1,500 who, without reasonable excuse, fails or refuses to comply with any lawful request under subsection (1), or wilfully states a false name or address or date of birth in response to such a request.

(3) Any warranted officer who is a constable and who—

(a) has good cause to suspect that an offence against subsection (2) has been committed by any person; and

(b) has warned that person of the provisions of this subsection; and

(c) has good cause to suspect that a further offence against subsection (2) has been committed by that person subsequent to the warning,—

may arrest that person without a warrant.

Section 26ZZR: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

Section 26ZZR(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

26ZZS No liability where dog wounded in attempt to destroy

(1) No person who is entitled under this Act to destroy any dog, and who does so in a reasonable manner or who wounds or maims the dog in the course of

attempting to so destroy it, shall be under any criminal or civil liability for the injury done to the dog or for its death.

(2) Nothing in subsection (1) shall apply to any person who wounds or maims a dog in the course of attempting to destroy it and does not take all reasonable steps to terminate its suffering.

Compare: 1982 No 42 s 81

Section 26ZZS: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

26ZZT Limitation of liability for damage

No warranted officer shall be liable for any loss or damage caused to the owner of any dog or other property or land that is necessitated by the due administration of this Act.

Compare: 1982 No 42 s 82

Section 26ZZT: inserted, on 2 May 1996, by section 3 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

Part 6
Miscellaneous

27 Covenants

(1) Notwithstanding any enactment or rule of law,—

(a) there may be granted or reserved over any land any covenant for conservation purposes in favour of the Minister; and

(b) every such covenant shall run with and bind the land that is subject to the burden of the covenant, and shall be deemed to be an interest in land for the purposes of the Land Transfer Act 2017.

(2) Subject to subsection (3), where a covenant is granted or reserved under this section, the Registrar-General of Land, on the application of the Director-General, shall, without fee, enter in the appropriate registers a notification that the land affected by the covenant is subject to the burden of the covenant.

(3) Where the burden of a covenant under this section applies to land comprising part of the land in a record of title, the Registrar-General of Land shall not enter in any register a notification of the covenant unless—

(a) the land to which the covenant relates is defined on an existing plan approved under the Land Transfer Act 2017 or a new plan approved under that Act; or

(b) the document incorporating the covenant is accompanied by a certificate given by the Surveyor-General, or the Chief Surveyor of the land district in which the land is situated, to the effect that the covenant is adequately described and properly defined—

(i) for the nature of the covenant; and

(ii) in relation to existing surveys made in accordance with regulations for the time being in force for the purpose; and

(iii) in accordance with standards agreed from time to time by the Director-General and either the Surveyor-General or the Chief Surveyor, as the case may be.

Section 27: substituted, on 10 April 1990, by section 18 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 27(1)(b): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 27(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 27(2): amended, on 25 November 1994, by section 20(1) of the Conservation Amendment Act 1994 (1994 No 108).

Section 27(3): added, on 25 November 1994, by section 20(2) of the Conservation Amendment Act 1994 (1994 No 108).

Section 27(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 27(3)(a): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

27A Nga Whenua Rahui kawenata

(1) Notwithstanding any enactment or rule of law,—

(a) if satisfied that any Maori land or Crown land held under a Crown lease by Maori should be managed for conservation purposes so as to preserve and protect—

(i) the natural and historic values of the land; or

(ii) the spiritual and cultural values which Maori associate with the land,—

the Minister may, subject to subsection (2), treat and agree with the owner or the lessee for a Nga Whenua Rahui kawenata to provide for the management of the land in a manner that will achieve those purposes:

(b) a Nga Whenua Rahui kawenata under this section may be in perpetuity or for any specific term or may be in perpetuity subject to a condition that at agreed intervals of not less than 25 years the parties to the Nga Whenua Rahui kawenata shall review the objectives, conditions, and continuance of the Nga Whenua Rahui kawenata; and on such review the parties may mutually agree that the Nga Whenua Rahui kawenata shall be terminated, or the owner or lessee may terminate the Nga Whenua Rahui kawenata on giving such notice (being not less than 6 months) as may be agreed. The Crown shall have regard to the manawhenua of the owner or lessee in any such review:

(c) while any Nga Whenua Rahui kawenata under this section remains in force, sections 36 to 43 and 43C to 47, as far as they are applicable and

with the necessary modifications, but subject to the terms of the Nga Whenua Rahui kawenata, shall apply to the land affected thereby in all respects as if it were a conservation area, notwithstanding that the land or the interest of the lessee may be sold or otherwise disposed of:

(d) every such Nga Whenua Rahui kawenata shall run with and bind the land that is subject to the burden of the Nga Whenua Rahui kawenata, and shall be deemed to be an interest in land for the purposes of the Land Transfer Act 2017:

(e) where a Nga Whenua Rahui kawenata is entered into under this section, the Registrar-General of Land, on the application of the Director-General, shall, without fee, enter on the appropriate record of title relating to the land that is subject to the burden of the Nga Whenua Rahui kawenata a notification thereof:

(f) subject to section 33, any money payable as consideration for a Nga Whenua Rahui kawenata shall be paid out of money appropriated by Parliament.

(2) In the case of a Crown lease other than a lease administered by the Department of Conservation, the consent of the Minister of Lands shall be required before a Nga Whenua Rahui kawenata is entered into, and that Minister may give consent subject to the inclusion of any condition in the Nga Whenua Rahui kawenata or conditions, and may agree to a reduction in rent if, having regard to the basis for fixing the rent, it appears fair and equitable to do so.

(3) In the case of a Crown lease administered by the Department of Conservation, the Minister may agree to a reduction in rent if, having regard to the basis for fixing the rent, it appears fair and equitable to do so.

(4) Where the burden of a Nga Whenua Rahui kawenata under this section applies to land comprising part of the land in a record of title, the Registrar-General of Land shall not enter in any register a notification of the Nga Whenua Rahui kawenata unless—

(a) the land to which the Nga Whenua Rahui kawenata relates is defined on an existing plan approved under the Land Transfer Act 2017 or a new plan approved under that Act; or

(b) the document incorporating the Nga Whenua Rahui kawenata is accompanied by a certificate given by the Surveyor-General, or the Chief Surveyor of the land district in which the land is situated, to the effect that the Nga Whenua Rahui kawenata is adequately described and properly defined—

(i) for the nature of the Nga Whenua Rahui kawenata; and

(ii) in relation to existing surveys made in accordance with regulations for the time being in force for the purpose; and

(iii) in accordance with standards agreed from time to time by the Director-General and either the Surveyor-General or the Chief Surveyor, as the case may be.

Section 27A: inserted, on 24 March 1993, by section 3 of the Conservation Amendment Act 1993 (1993 No 9).

Section 27A(1)(c): amended, on 25 October 2013, by section 4 of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

Section 27A(1)(d): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 27A(1)(e): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 27A(4): substituted, on 25 November 1994, by section 21 of the Conservation Amendment Act 1994 (1994 No 108).

Section 27A(4): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 27A(4)(a): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

28 Resources other than land

(1) If satisfied that the acquisition of any natural or historic resource other than an interest in land is conducive to conservation generally, the Minister may, by agreement, acquire it for conservation purposes; and, subject to this Act, it shall thereafter be held for those purposes.

(2) Subject to subsection (3), the Minister may dispose of any natural or historic resource other than an interest in land if satisfied that—

(a) it is not required for conservation purposes; or

(b) its disposal is desirable in order to enable or facilitate the acquisition for conservation purposes of some other natural resource.

(3) Before disposing of any indigenous natural resource or historic resource other than an interest in land, the Minister shall give public notice of intention to do so; and section 49 shall apply accordingly.

Section 28(3): amended, on 13 March 1996, by section 31 of the Conservation Amendment Act 1996 (1996 No 1).

29 Management agreements

The Minister may enter into any agreement, contract, or arrangement of any kind with any person on such terms and conditions as the Minister thinks fit, for the Minister, or the person on the Minister's behalf, to carry out the conservation of any natural or historic resource on or in any land owned or under the control of the person.

30 Taking of plants

(1) No person shall take any plant on or from a conservation area except—

(a) with the authority of and in accordance with a concession under Part 3B; or

(aa) in accordance with an access arrangement under the Crown Minerals Act 1991; or

(b) in accordance with a lease or licence granted before the commencement of this Act; or

(c) *[Repealed]*

(ca) pursuant to subsection (5) or subsection (6) of section 24H.

(d) *[Repealed]*

(2) The Director-General may authorise any person to take on or from a conservation area any plant intended to be used for traditional Maori purposes.

(3) Except as provided in subsection (2), the Director-General shall not authorise any person to take any indigenous plant on or from a conservation area for the purpose, or with the intention, of deriving gain or reward, whether pecuniary or otherwise, from its wood.

(4) No conservation management strategy or conservation management plan shall allow or provide for the taking from the conservation area to which it relates of any indigenous plant for the purpose of deriving gain or reward, whether pecuniary or otherwise, from its wood, except—

(a) in accordance with a lease or licence granted before the commencement of this Act; or

(b) pursuant to an authority under subsection (2).

(5) *[Repealed]*

(6) Every person commits an offence who acts in contravention of or fails to comply with any provision of this section.

Section 30(1)(a): substituted, on 1 July 1996, by section 32(1) of the Conservation Amendment Act 1996 (1996 No 1).

Section 30(1)(aa): inserted, on 1 July 1996, by section 32(1) of the Conservation Amendment Act 1996 (1996 No 1).

Section 30(1)(c): repealed, on 1 July 1996, by section 32(2)(a) of the Conservation Amendment Act 1996 (1996 No 1).

Section 30(1)(ca): inserted, on 10 April 1990, by section 19(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 30(1)(d): repealed, on 1 July 1996, by section 32(2)(a) of the Conservation Amendment Act 1996 (1996 No 1).

Section 30(4): amended, on 10 April 1990, by section 19(2) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 30(5): repealed, on 1 July 1996, by section 32(2)(b) of the Conservation Amendment Act 1996 (1996 No 1).

Section 30(6): added, on 10 April 1990, by section 19(4) of the Conservation Law Reform Act 1990 (1990 No 31).

31 Removal of shingle, etc

[Repealed]

Section 31: repealed, on 1 July 1996, by section 15(1) of the Conservation Amendment Act 1996 (1996 No 1).

32 Lessees, etc, may be required to make contributions

[Repealed]

Section 32: repealed, on 1 July 1996, by section 15(1) of the Conservation Amendment Act 1996 (1996 No 1).

33 Receipts

(1) All money received by the Crown under this Act shall be paid in accordance with the Public Finance Act 1989 into a Crown Bank Account, the Department's Departmental Bank Account, or a Trust Bank Account.

(2) Notwithstanding subsection (1), any person or body, unless prohibited from doing so by any Act, regulation, or instrument of trust, may make to the Minister a grant or gift of money for specified or general purposes of this Act; and the Minister may accept any such grant or gift for those purposes.

(3) All money received by the Minister under subsection (2) shall be paid into a Trust Bank Account established under section 67 of the Public Finance Act 1989 to be known as the Department of Conservation Grants and Gifts Trust Account, and shall be applied to the purposes for which the grant or gift was made.

Section 33(1): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

Section 33(1): amended, on 1 July 1989, by section 86(1) of the Public Finance Act 1989 (1989 No 44).

Section 33(3): amended, on 1 July 1989, by section 86(1) of the Public Finance Act 1989 (1989 No 44).

34 Annual reports

(1) As soon as is practicable after the end of each financial year the Director-General shall give to the Minister a report on the operations of the Department for that year.

(2) The Minister shall lay a copy of the report before the House of Representatives within 28 days after it has been given to the Minister if it is then in session or, if it is not then in session, within 28 days after the commencement of the next ensuing session.

35 Local authority contributions

A local authority may make contributions out of its general fund or account for the management, improvement, or maintenance of any conservation area even if the area is outside its district.

36 Trespassing livestock

(1) All unbranded livestock that are at any time in any conservation area not comprised in a lease or licence for grazing purposes under this Act, and that have no reputed owner, shall be deemed to be the property of the Crown, and any warranted officer may cause any such livestock to be destroyed, sold, or otherwise disposed of, if authorised by the Minister to do so.

(2) Before destroying, selling, or disposing of any animal under subsection (1), a warranted officer shall take all reasonable steps to ascertain whether or not the animal has a reputed owner.

(3) Where branded livestock, or livestock that have a reputed owner, found on any conservation area not comprised in a lease or licence for grazing purposes cannot be impounded by reason of their wildness and are causing significant damage to natural or historic resources there, the Director-General may take all reasonable steps necessary to prevent the damage or reduce it to an insignificant level.

(4) Subsection (5) does not affect or restrict the exercise of the powers conferred by subsection (3).

(5) Where branded livestock, or livestock that have a reputed owner, found on any conservation area not comprised in a lease or licence for grazing purposes cannot be impounded by reason of their wildness but are causing no significant damage to natural or historic resources there, the Minister may authorise any warranted officer to issue, once a week for 2 consecutive weeks in some newspaper circulating in the locality, a notice calling on the owner to remove them from the land and giving warning that if they are not removed within 1 month from the date of the first of the notices they will be destroyed; and if any such livestock are not removed within the time mentioned in the notice, any warranted officer may cause them to be destroyed if so authorised by the Minister, and no liability shall attach to the Crown, or the Minister, or the warranted officer or any other person, for any damage occasioned by their destruction.

(5A) Any reasonable costs incurred by the Department in rounding up, destroying, or otherwise disposing of, in accordance with this section, any branded livestock shall be recoverable in any court of competent jurisdiction from the owner by the Director-General.

(6) A warranted officer authorised under subsection (5) to issue a notice in respect of any livestock that have a reputed owner shall take all reasonable steps to bring the notice to the attention of the reputed owner.

(7) In this section, **branded** means bearing a brand within the meaning of section 69 of the Animals Act 1967; and **unbranded** has a corresponding meaning.

Section 36(5A): inserted, on 10 April 1990, by section 21 of the Conservation Law Reform Act 1990 (1990 No 31).

37 Production of permit, etc, on demand

(1) Every person who does any act for which under the provisions of this Act a permit, concession, right, or other authority is required shall, within a reasonable time after being required to do so by a warranted officer, produce the appropriate permit, concession, right, or authority authorising the act.

(2) Every person commits an offence against this Act who fails or refuses to produce a permit, concession, right, or authority, when required by subsection (1) to do so.

Section 37(1): amended, on 1 July 1996, by section 33 of the Conservation Amendment Act 1996 (1996 No 1).

Section 37(2): amended, on 1 July 1996, by section 33 of the Conservation Amendment Act 1996 (1996 No 1).

38 Hunting, etc

(1) The Director-General may,—

(a) if it is in accordance with the management plan (if any) of a conservation area; and

(b) having had regard to the safety of members of the public who are likely to be in the area, or any part of it, or any other land near the area,—

issue permits for hunting in the area or any specified part of it.

(2) A permit may be issued under subsection (1) either unconditionally or subject to any conditions the Director-General thinks fit.

(3) The Director-General may charge for the issue of a permit under subsection (1) any fee not exceeding the appropriate proportion of the costs of administering the issue of such permits.

(4) Every person commits an offence against this Act who, knowingly and without a permit in that behalf issued under subsection (1) or section 26ZZH, or knowingly and otherwise than in compliance with any conditions subject to which such a permit has been issued,—

(a) discharges any hunting weapon on, into, or over any conservation area; or

(b) molests or pursues any animal in a conservation area; or

(c) captures, kills, poisons, tranquillises, traps, or immobilises by any means, any animal in a conservation area; or

(d) has in possession in any conservation area any animal or animal product; or

(e) whether or not any animal or animal product is taken, takes or uses in or over any conservation area any aircraft, dog, hunting weapon, net, trap, poison, ship, snare, or vehicle, for the purpose of molesting, pursuing, capturing, killing, poisoning, tranquillising, trapping, or immobilising, by any means, any animal; or

(f) takes any animal product in a conservation area; or

(g) whether or not any animal product is taken, takes or uses in or over any conservation area any aircraft, dog, net, trap, ship, or vehicle, for the purpose of taking any animal product; or

(h) enters any conservation area with a hunting weapon, net, trap, or snare, or with poison; or

(i) sets any net, trap, or snare, on any conservation area; or

(j) allows any animal to molest, pursue, or kill, any animal, in a conservation area.

(5) Nothing in subsection (4) applies to any fish.

(6) Every person commits an offence against this Act who uses, receives, sells, or otherwise disposes of any animal or animal product, knowing it to have been taken in contravention of subsection (4).

(7) Evidence that any person was found in any conservation area in possession of any animal, animal product, natural resource, or plant, capable of being captured or taken in that area shall, for the purposes of proceedings under this section or section 39, be evidence that the person captured or took it in the area.

(8) In any such proceedings, the averment that any land is a conservation area shall be sufficient without proof of the fact, unless the defendant proves to the contrary; and all plans, maps, leases, licences, certificates, and copies certified as true under the hand of the Director-General or Chief Surveyor shall be sufficient evidence of their contents without production of original records and without the personal attendance of those officers or proof of their signatures, unless the defendant adduces evidence to the contrary and the interests of justice requires the attendance of one of the officers.

Section 38(4): amended, on 2 May 1996, by section 4 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

Section 38(4)(e): amended, on 17 December 2016, by section 26 of the Statutes Amendment Act 2016 (2016 No 104).

Section 38(4)(g): amended, on 17 December 2016, by section 26 of the Statutes Amendment Act 2016 (2016 No 104).

39 Other offences in respect of conservation areas

(1) Every person commits an offence against this Act who knowingly, and without the authority of the Minister or the Director-General,—

(a) enters or remains in any conservation area declared closed by the Minister pursuant to section 13; or

(b) enters any conservation area with a vehicle, ship, or aircraft, in breach of any prohibition or restriction imposed pursuant to this Act; or

(ba) contravenes or fails to comply with section 17O(2), which relates to activities carried out in conservation areas without a concession; or

(bb) contravenes or fails to comply with section 17ZF, which relates to operating aircraft in conservation areas without a concession or in an emergency or to repair a navigation aid; or

(c) liberates any animal on any conservation area; or

(ca) causes or allows any cattle, sheep, horse, or other animal of any kind whatever to enter on any conservation area; or

(d) plants any plant, or sows or scatters the seed of any plant, or, knowing that it is likely to be injurious to plants or animals, introduces any substance, in or on any conservation area; or

(e) interferes with or damages in any way historic or natural features of or on any conservation area; or

(f) erects any building, sign, hoarding, or structure, on any conservation area; or

(g) constructs any apparatus on any conservation area; or

(ga) conducts in any conservation area, any activity for which a concession is required under this Act; or

(h) takes or removes any gravel, sand, stone, clay, limestone, or other such natural resource, otherwise than in accordance with a concession or some enactment other than this Act.

(2) *[Repealed]*

(3) Every person commits an offence against this Act who, knowingly and without reasonable excuse, disposes of any contaminant into or onto any conservation area or in a position where it is likely to spill, drift, or blow onto or percolate or wash onto or into any conservation area.

(4) Every person commits an offence who disturbs, injures, poisons, kills, or detrimentally affects any freshwater fishery, fish spawning ground, or food of freshwater fish in any river, stream, lake, or any other water, by allowing any contaminant to enter into any such water or refuses to remove as much as may be practicable of the contaminant in respect of which the breach arose immediately upon having been ordered to do so by a warranted officer.

(5) For the purposes of this section, a person shall be deemed to allow a contaminant or water containing a contaminant to enter into water if that person places or discharges or causes or permits to be placed or discharged any contaminant or water containing any contaminant, in a position where that contaminant or any other contaminant emanating as a result of a natural process from that contaminant is liable to flow, fall, or descend into, or to be washed or percolate into, or to be carried by wind, tide, or current into, any water.

(6) A person who is convicted of an offence under subsection (4) is liable to imprisonment for a term not exceeding 2 years or a fine not exceeding $100,000, or both, and to a further fine of $10,000 per day if the offence is a continuing one, unless a defence listed in subsection (6A) applies.

(6A) It is a defence to a charge under subsection (4) if the defendant can show that the discharge of the contaminant was—

(a) done in accordance with the conditions of a current discharge permit granted under the Resource Management Act 1991; or

(b) allowed by a national environmental standard as defined in section 2(1) of the Resource Management Act 1991; or

(c) authorised by any secondary legislation (including by way of an exemption) made under the Resource Management Act 1991; or

(d) a permitted activity in the relevant regional plan and any proposed regional plan, if there is one, under the Resource Management Act 1991.

(6B) For the purpose of a defence under subsection (6A), it is sufficient for the defendant to produce a certificate from the regional council in the area for which the permit was purported to be granted or the activity was otherwise permitted to the effect that a defence listed in subsection (6A) applies.

(7) Subsection (4) shall apply in respect of any marine and coastal area administered or managed by the Department, and all freshwater in New Zealand.

Section 39(1): amended, on 1 July 1996, by section 34(1) of the Conservation Amendment Act 1996 (1996 No 1).

Section 39(1)(b): amended, on 13 March 1996, by section 34(2)(a) of the Conservation Amendment Act 1996 (1996 No 1).

Section 39(1)(ba): replaced, on 25 October 2013, by section 5(1) of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

Section 39(1)(bb): inserted, on 25 October 2013, by section 5(1) of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

Section 39(1)(ca): inserted, on 1 July 1996, by section 34(4) of the Conservation Amendment Act 1996 (1996 No 1).

Section 39(1)(ga): substituted on 13 March 1996, by section 34(5) of the Conservation Amendment Act 1996 (1996 No 1).

Section 39(1)(h): amended, on 13 March 1996, by section 34(2)(b) of the Conservation Amendment Act 1996 (1996 No 1).

Section 39(2): repealed, on 25 October 2013, by section 5(2) of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

Section 39(3): amended, on 13 March 1996, by section 34(6) of the Conservation Amendment Act 1996 (1996 No 1).

Section 39(4): added, on 10 April 1990, by section 22 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 39(4): amended, on 13 March 1996, by section 34(7) of the Conservation Amendment Act 1996 (1996 No 1).

Section 39(5): substituted, on 13 March 1996, by section 34(8) of the Conservation Amendment Act 1996 (1996 No 1).

Section 39(6): replaced, on 21 August 2025, by section 92 of the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (2025 No 41).

Section 39(6A): inserted, on 21 August 2025, by section 92 of the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (2025 No 41).

Section 39(6B): inserted, on 21 August 2025, by section 92 of the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (2025 No 41).

Section 39(7): added, on 10 April 1990, by section 22 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 39(7): amended, on 1 April 2011, by section 128 of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

40 Powers of warranted officers

(1) Within the district or area for which a warranted officer is appointed, the officer may—

(a) seize any plant, freshwater fish, freshwater fish product, animal, or animal product illegally taken or had in possession, or that the officer reasonably believes to be illegally taken or had in possession:

(b) seize any net, trap, hunting weapon, ammunition, ship, vehicle, aircraft, poison, engine, instrument, appliance, device, fishing gear, or thing, that is being used or is intended to be used or have or has been used in breach of this Act, or that the officer reasonably believes are so being used or have so been used:

(c) seize any bag, container, other article (including any coat or other similar article of clothing) that is being used for the purpose of carrying any plant, freshwater fish, freshwater fish product, animal, or animal product illegally taken or had in possession or that the officer reasonably believes is being so used:

(d) stop any vehicle, riding or pack animal, ship, or other device for carriage or transportation, or any aircraft while on the ground or water, or stop in transit any parcel, package, case, bag, luggage, or other container that is or that the officer reasonably believes to be in the possession of the owner or of any other person (including any carrier or forwarding agent, whether by land, sea, or air), if the officer reasonably believes or suspects that any breach of this Act has been committed by its owner or the person in possession of it, or by any other person, and, in the presence of the owner or person in possession of it, or any servant of either of them, search any such vehicle, animal, ship, aircraft, device, parcel, package, case, bag, luggage, or container:

(e) while in lawful execution of the officer's duty, call upon any person who has attained the age of 18 years to aid or assist the officer when reasonable necessity exists for that assistance; and every person aiding or assisting the officer pursuant to such a call shall while doing so be deemed to be and shall have all the powers of a warranted officer duly appointed under this Act:

(f) at all times, without let or hindrance, in order to investigate something the officer believes on reasonable grounds to be an offence against this

Act, or to investigate or apprehend any person the officer believes on reasonable grounds to have committed such an offence,—

(i) by any means whatever, enter upon, pass through, or remain on any land (other than a dwellinghouse or the enclosed garden or curtilage of any dwellinghouse) or any hut, tent, caravan, holiday home, or other erection (not being a permanent residence), or any shop, warehouse, factory, bond, store, office, sawmill, or any other premises of any description, or into or upon any lake, river, pond, lagoon, or other water (whether natural or artificially constructed):

(ii) enter any vehicle, ship, or aircraft that is being used or is intended to be used or has been used in breach of this Act or that the officer reasonably believes is being or is intended to be or has been so used:

(iii) search any land or any hut, tent, caravan, holiday home, or other erection (not being a permanent residence), or any shop, warehouse, factory, bond store, office, sawmill, or other premises of any description, or any vehicle, ship, or aircraft referred to in subparagraph (ii), or any riding or pack animal, or other device for transportation or carriage found on any land as aforesaid or on any such premises or any lake, river, pond, lagoon, or other water.

(2) The production by a warranted officer of a warrant of appointment shall be sufficient evidence of the officer's appointment.

(3) Any warranted officer may summarily interfere to prevent any offence against this Act, and may require any person found offending to desist from the offence.

(4) Any person who, when required to desist from an offence against this Act, continues the offence, commits a further offence against this Act.

(4A) *[Repealed]*

(4B) *[Repealed]*

(5) Any constable or warranted officer who has reason to believe that an offence against this Act has been committed in respect of any animal, animal product, freshwater fish, freshwater fish product, natural or historic resource, or plant may seize it.

(6) In the case of every warranted officer, the provisions of this section are subject to any restrictions or limitations specified in the warrant issued to that person under section 59.

(7) The provisions of Part 4 of the Search and Surveillance Act 2012 (except for subpart 3) apply.

Section 40(1)(a): amended, on 10 April 1990, by section 23(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 40(1)(b): amended, on 10 April 1990, by section 23(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 40(1)(c): amended, on 10 April 1990, by section 23(1)(c) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 40(4A): repealed, on 1 October 2012, by section 212(2) of the Search and Surveillance Act 2012 (2012 No 24).

Section 40(4B): repealed, on 1 October 2012, by section 212(2) of the Search and Surveillance Act 2012 (2012 No 24).

Section 40(5): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 40(5): amended, on 10 April 1990, by section 23(3) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 40(6): added, on 10 April 1990, by section 23(4) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 40(7): inserted, on 1 October 2012, by section 212(3) of the Search and Surveillance Act 2012 (2012 No 24).

40A Power to require information

(1) This section applies if a warranted officer or a fish and game ranger believes on reasonable grounds that a person has committed or is committing an offence against this Act or regulations made under this Act.

(2) The warranted officer or fish and game ranger may require the person to—

(a) state the person's full name, residential address, and date of birth; and

(b) provide evidence, as soon as practicable, of the person's full name, residential address, and date of birth.

Section 40A: inserted, on 21 December 2018, by section 9 of the Conservation (Infringement System) Act 2018 (2018 No 61).

41 Offences in respect of warranted officers and fish and game rangers

Every person commits an offence who—

(a) resists or obstructs any warranted officer or fish and game ranger in the execution of powers or duties conferred by this Act, or any person lawfully acting under the officer's or ranger's orders or in the officer's or ranger's aid; or

(b) fails, without lawful excuse to comply with the requirements of any warranted officer or fish and game ranger; or

(c) knowingly gives to any warranted officer or fish and game ranger any particulars that are false or misleading in any material respect; or

(d) personates or falsely represents the person to be a warranted officer or fish and game ranger or a person lawfully acting under a warranted officer's or fish and game ranger's orders or in a warranted officer's or fish and game ranger's aid.

Section 41 heading: substituted, on 25 November 1994, by section 19 of the Conservation Amendment Act 1994 (1994 No 108).

Section 41(a): amended, on 25 November 1994, by section 19(a) of the Conservation Amendment Act 1994 (1994 No 108).

Section 41(a): amended, on 25 November 1994, by section 19(b) of the Conservation Amendment Act 1994 (1994 No 108).

Section 41(b): amended, on 25 November 1994, by section 19(a) of the Conservation Amendment Act 1994 (1994 No 108).

Section 41(c): amended, on 25 November 1994, by section 19(a) of the Conservation Amendment Act 1994 (1994 No 108).

Section 41(d): amended, on 25 November 1994, by section 19(a) of the Conservation Amendment Act 1994 (1994 No 108).

Section 41(d): amended, on 25 November 1994, by section 19(c) of the Conservation Amendment Act 1994 (1994 No 108).

42 Protection of warranted officers and others

A person who does any act in pursuance or intended pursuance of any of the functions conferred on that person by or under this Act shall not be under any civil or criminal liability in respect thereof, whether on the ground of want of jurisdiction, or mistake of law or fact, or on any other ground, unless the person has acted, or omitted to act, in bad faith or without reasonable cause.

43 Proceedings for offences

(1) Subject to subsection (2), all proceedings in respect of offences against this Act shall be under the Criminal Procedure Act 2011.

(2) Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of an offence against this Act ends on the date that is 12 months after the date on which the offence was committed.

(3) Prosecutions and proceedings in respect of offences under this Act may be commenced and taken in the name of the Director-General.

(4) The court by which any person is convicted of any offence against this Act may direct that any part (not exceeding half) of any fine recovered shall be paid to any person instrumental in securing the conviction (not being a person in the employment of the Crown acting in the course of the person's official duties); and that part of the fine shall be paid to the person by the Registrar of the court in which the conviction is recorded.

(5) A direction of the court under subsection (4) shall not be entered in the conviction concerned, but shall form the subject matter of a separate order.

(6) When in any proceedings under this Part—

(a) a question arises as to whether any thing found in the possession of any person while that person is on or in the vicinity of any conservation area is the property of the Crown; and

(b) there are reasonable grounds to believe that the person was in possession of the thing without a right, title, or licence,—

the thing shall be presumed to be the property of the Crown unless the contrary is proved.

Section 43(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 43(2): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 43(3): amended, on 10 April 1990, by section 24 of the Conservation Law Reform Act 1990 (1990 No 31).

43A Evidence in proceedings

(1) Subject to subsections (3) and (4), in any proceedings in respect of an offence against any provision of Part 5B or Part 5C or of any regulation made under section 48A, a certificate purporting to be signed by the Director-General or any officer authorised by the Director-General for that purpose to the effect that, on a date specified in the certificate, the defendant or other named person was not the holder of a fishing permit or dog control permit, as the case may be, shall, in the absence of proof to the contrary, be sufficient evidence of the matter stated in the certificate.

(2) A copy of any licence or document granted or issued under this Act which is certified correct by the Director-General, or any officer of the Department duly authorised by the Director-General in that behalf, shall be sufficient, in the absence of proof to the contrary, to prove that licence or other document.

(3) The production of any certificate or copy of any document for the purpose of this section purporting to be signed by any person authorised under this section to sign it shall be prima facie evidence of the certificate or copy without proof of the signature of the person appearing to have signed it.

(4) The production of any certificate or copy of any document signed by the Director-General and certifying that the land upon which any offence is alleged to have taken place was included within a controlled dog area or an open dog area, as the case may be, shall be sufficient evidence that the land was within a controlled dog area or an open dog area, as the case may be.

Section 43A: substituted, on 2 May 1996, by section 5 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

43B Strict liability

(1) In any prosecution for any offence against any provision of Part 5B or Part 5C or any regulation made under section 48A it shall not be necessary for the prosecution to prove that the defendant intended to commit an offence.

(2) It shall be a defence in any such prosecution if the defendant proves—

(a) that the defendant did not intend to commit the offence; and

(b) that—

(i) in any case where it is alleged that anything required to be done was not done, the defendant took all reasonable steps to ensure that it was done; or

(ii) in any case where it is alleged that anything prohibited was done, that the defendant took all reasonable steps to ensure that it was not done.

Compare: 1983 No 14 s 105; 1986 No 34 s 27

Section 43B: inserted, on 10 April 1990, by section 25 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 43B(1): amended, on 2 May 1996, by section 6 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

43C Penalties for certain offences

(1) Every person who commits an offence against any of the provisions listed in subsection (2) is liable on conviction to the penalties prescribed in subsection (3).

(2) The provisions are—

(a) section 26ZJ, which relates to unlawful acts in respect of spawning fish:

(b) section 26ZR, which relates to the use of a substance or electric device to take or destroy freshwater fish:

(c) section 30(6), which relates to the taking of plants from conservation areas:

(d) section 38(4)(a), which relates to discharging weapons on, into, or over conservation areas:

(e) section 39(1)(b), (bb), (c), (ca), (d), (e), (f), (g), and (h), which relates to other offences in respect of conservation areas:

(f) section 39(3), which relates to the disposal of contaminants:

(g) section 41(a), which relates to resisting or obstructing officers and rangers.

(3) The penalties are,—

(a) in the case of an individual, imprisonment for a term not exceeding 2 years or a fine not exceeding $100,000, or both:

(b) in the case of a body corporate, a fine not exceeding $200,000:

(c) in any case, where the offence is a continuing one, a further fine not exceeding $10,000 for every day on which the offence continues.

Section 43C: inserted, on 25 October 2013, by section 6 of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

43D Penalties for offences committed for commercial gain or reward

(1) If a person is convicted of an offence against this Act and, on sentencing for that offence, the court is satisfied beyond reasonable doubt that the offence was

committed for the purpose of commercial gain or reward (whether or not any gain or reward is realised), the person is liable instead of any penalty otherwise prescribed to,—

(a) in the case of an individual, imprisonment for a term not exceeding 5 years or a fine not exceeding $300,000, or both:

(b) in the case of a body corporate, a fine not exceeding $300,000:

(c) in any case, where the offence is a continuing one, a further fine not exceeding $20,000 for every day on which the offence continues.

(2) Subsection (1) overrides every other provision of this Act to the contrary.

Section 43D: inserted, on 25 October 2013, by section 6 of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

44 Penalties

Every person who commits an offence against this Act for which no penalty is prescribed elsewhere in this Act is liable on conviction to,—

(a) in the case of an individual, imprisonment for a term not exceeding 1 year or a fine not exceeding $100,000, or both:

(b) in the case of a body corporate, a fine not exceeding $200,000:

(c) in any case, where the offence is a continuing one, a further fine not exceeding $10,000 for every day on which the offence continues.

Section 44: replaced, on 25 October 2013, by section 7 of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

44A Sentence of community work

A court may sentence any individual who is convicted of an offence against this Act to a sentence of community work, and the provisions of Part 2 of the Sentencing Act 2002 apply with all necessary modifications.

Section 44A: inserted, on 25 October 2013, by section 7 of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

Section 44A: amended, on 21 December 2018, by section 10 of the Conservation (Infringement System) Act 2018 (2018 No 61).

45 Offenders liable for loss or damage

(1) Every person convicted of an offence against this Act shall be liable for any loss or damage or expenses arising from or caused by the act constituting the offence in addition to the penalty for the offence; and the amount payable in respect of the loss or damage or expense may be awarded by the court in fixing the penalty and may be recovered as a fine.

(2) In assessing any amount payable under subsection (1), the court may take into account salaries, wages, and incidental expenses incurred in the investigation of the act constituting the offence or in remedying the loss or damage caused by the act, and shall take into account all other relevant factors.

46 Forfeiture of property

(1) *[Repealed]*

(2) *[Repealed]*

(3) *[Repealed]*

(4) *[Repealed]*

(5) Subject to subsection (7), on the conviction of any person for any offence against this Act,—

(a) any ship, vehicle, aircraft, conveyance, machinery, implement, appliance, material, container, goods, equipment, fishing gear, or hunting weapon used in the commission of the offence may, on the direction of the court, be forfeited to the Crown; and in that case shall be disposed of as the Minister thinks fit; and

(b) any animal, animal product, freshwater fish, freshwater fish product, natural or historic resource, or plant in respect of which the offence has been committed, whether or not it has been seized or taken possession of under this Act, shall be forfeit to the Crown, and shall be disposed of as the Minister thinks fit, unless it is a wild animal or a part of any wild animal, in which case it shall be dealt with under the Wild Animal Control Act 1977.

(6) Where any thing seized under this Act is—

(a) protected wildlife or an animal product derived from any protected wildlife, it shall be dealt with under the Wildlife Act 1953:

(b) a protected New Zealand object,—

(i) if it is the property of the Crown, it shall be delivered to the Secretary for Internal Affairs or, with the consent of the Secretary for Internal Affairs, kept in the custody of the Director-General:

(ii) in every other case, it shall be delivered to the person who is entitled to its custody under the Protected Objects Act 1975.

(7) Any person whose property has been forfeited to the Crown under this section or any person having a legal or equitable interest in any such property (being, in neither case, a person convicted of an offence out of which the forfeiture arose) may apply to the Minister within 30 days of the conviction concerned for the release of the property forfeited; and the Minister may order the release of the property on payment to the Crown of any amount the Minister thinks appropriate, being an amount not exceeding the amount the items forfeited are estimated by the Director-General to be likely to realise if sold by public auction in New Zealand.

(7A) Notwithstanding anything in this section, the following provisions shall apply where a prosecution is commenced by an officer of a Fish and Game Council:

(a) the forfeited property shall be disposed of by the Minister to that Council for the purposes of sale and may be sold by that Council, and the proceeds of sale shall be paid into its funds and applied for the purposes of the Council:

(b) subject to section 73(2) of the Public Finance Act 1989, all fines imposed and recovered in proceedings taken by a Fish and Game Council for any breach of this Act or any regulations or notice made under this Act shall be paid to the Council of the region or district in which the fines were received, for the purpose of the distribution, rearing, cultivation, and protection of fish in the region or district of that Council.

(8) Any forfeiture directed, or redemption payment imposed, under this section shall be in addition to, and not in substitution for, any other penalty that may be imposed.

Section 46(1): repealed, on 1 October 2012, by section 212(4) of the Search and Surveillance Act 2012 (2012 No 24).

Section 46(2): repealed, on 1 October 2012, by section 212(4) of the Search and Surveillance Act 2012 (2012 No 24).

Section 46(3): repealed, on 1 October 2012, by section 212(4) of the Search and Surveillance Act 2012 (2012 No 24).

Section 46(4): repealed, on 1 October 2012, by section 212(4) of the Search and Surveillance Act 2012 (2012 No 24).

Section 46(5)(a): amended, on 10 April 1990, by section 26(1)(a) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 46(5)(b): amended, on 10 April 1990, by section 26(1)(b) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 46(6)(b): amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 46(6)(b)(ii): amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 46(7A): inserted, on 10 April 1990, by section 26(2) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 46(7A): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 46(7A)(b): amended, on 13 March 1996, by section 35 of the Conservation Amendment Act 1996 (1996 No 1).

46A Forfeiture of property for infringement offence

(1) Subsection (2) applies if—

(a) proceedings in respect of an infringement offence are commenced by the filing of a charging document under the Criminal Procedure Act 2011; and

(b) the person is found guilty, or admits the commission, of the infringement offence.

(2) Section 46 applies as if a person were convicted of an offence against this Act.

(3) Subsection (4) applies if an infringement notice is issued to the person in respect of an infringement offence and any of the following occurs:

(a) the infringement fee for the offence is paid:

(b) a copy of a reminder notice in respect of the infringement offence is filed or a reminder notice is deemed to have been filed in a court under section 21 of the Summary Proceedings Act 1957, as the case requires, within 6 months after the time when the offence is alleged to have been committed:

(c) the informant and the person enter into an arrangement under section 21(3A) of the Summary Proceedings Act 1957 allowing the person to pay the relevant infringement fee by instalments:

(d) the person is found guilty, or admits the commission, of the infringement offence.

(4) Section 46, except for section 46(5)(a), applies as if a person were convicted of an offence against this Act.

Section 46A: inserted, on 21 December 2018, by section 11 of the Conservation (Infringement System) Act 2018 (2018 No 61).

47 Information leading to conviction

(1) The Director-General may make any payments the Director-General thinks fit to any person or persons who have supplied information that has led to the conviction for an offence against this Act or who has procured or assisted in procuring any such conviction.

(2) All payments under subsection (1) shall be made from money from time to time appropriated by Parliament for the purpose.

48 Regulations

(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) prescribing forms of application and the conditions and mode of applying for leases, licences, or permits to be issued or authorisations to be given under this Act:

(b) providing for any proceedings, forms of leases, licences, permits, or authorisations and other instruments, and for the execution of any other matter or thing arising under and not inconsistent with this Act, and not expressly provided for in it:

(c) regulating the protection of natural or historic resources or conservation areas, or conservation areas of any class or description, and the prevention of fires in them:

(d) in fulfilment of the conditions of the deed of cession of Stewart Island dated 29 June 1864, and after consultation with the Maori owners, securing to the Maori the Titi Islands and other islands adjacent to Stewart

Island mentioned in the deed, and protecting the islands from trespassers, and the birds frequenting them from destruction:

(e) providing for the care, management, and protection of any natural or historic resource or any conservation area or areas:

(f) prohibiting, restricting, or regulating, the entry of aircraft, ships, or vehicles of any class or description, into any conservation area:

(g) prohibiting, restricting, or controlling the entry of the public into any conservation area:

(h) prohibiting, restricting, or controlling, actions of the public on or in relation to any conservation area:

(i) prohibiting members of the public from allowing animals under their control to enter or remain in, or restricting or controlling the extent to which they may allow such animals to enter or remain in, any conservation area:

(j) prescribing conditions applying and charges payable in respect of the use of huts and other buildings, camping sites, picnic places, parking areas, and other facilities in any conservation area, and providing for the removal of any motor vehicle or boat parked in any conservation area in breach of any such conditions:

(k) prescribing, or providing for the fixing of, fees and levies payable in respect of any matter under this Act:

(l) prescribing the procedure for the election of members of the New Zealand Fish and Game Council, and the nomination and election of members of Fish and Game Councils:

(m) authorising any conservation organisation to pay travelling and other expenses incurred by any of its members in the course of their duties as members of the organisation, if no such provision is made elsewhere in this Act:

(n) prescribing offences in respect of the contravention of or non-compliance with any regulations made under this Act or any lawful direction or requirement made under this Act or any such regulations, and the amount of the fines that may be imposed in respect of any such offences, which fines shall be an amount not exceeding $5,000 and, where the offence is a continuing one, a further amount not exceeding $500 for every day on which the offence has continued:

(o) providing for such matters as may be contemplated by or necessary for giving full effect to this Act and for its due administration.

(2) Any regulations made under subsection (1)(k) may—

(a) specify the person by whom any fees or levies prescribed under this Act are payable:

(b) prescribe specific fees or levies for specific purposes:

(c) prescribe a scale of fees or levies or a rate based on the time involved in carrying out the work or services:

(d) provide for the refund or waiver of any fee or levy by the Minister or the Director-General, in whole or in part, in any specified case or class of cases.

(3) Regulations made under this section that relate to a conservation area may apply to all conservation areas, conservation areas of a specified class or description, or any specified conservation area or conservation areas or any specified part of any conservation area.

(4) For the purposes of this section, the term **conservation organisation** includes the New Zealand Conservation Authority, any Conservation Board, the New Zealand Fish and Game Council, and any Fish and Game Council.

(5) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(6) If regulations authorise the Minister or the Director-General to grant refunds or waivers referred to in subsection (2)(d),—

(a) an instrument granting a refund or waiver is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and

(b) the regulations must contain a statement to that effect.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (5)		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (6)(a)		
Publication	See the relevant publication, presentation, and disallowance table in the secondary legislation referred to in subsection (5)	LA19 ss 73, 74, Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives, unless a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 48: substituted, on 10 April 1990, by section 27 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 48(1)(a): amended, on 22 October 2019, by section 14(1) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 48(1)(b): amended, on 22 October 2019, by section 14(2) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 48(1)(m): amended, on 15 November 2000, by section 5 of the Conservation Amendment Act 2000 (2000 No 56).

Section 48(1)(n): amended, on 25 October 2013, by section 8 of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

Section 48(2): amended, on 25 November 1994, by section 22 of the Conservation Amendment Act 1994 (1994 No 108).

Section 48(3): amended, on 22 October 2019, by section 14(3) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 48(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 48(6): inserted, on 28 October 2021, by regulation 4 of the Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247).

48AA Regulations prescribing time limits for applications for concessions

(1) The Governor-General may, by Order in Council, make regulations for 1 or more of the following purposes:

(a) prescribing a time limit for the Minister or the applicant to do anything under Part 3B in relation to an application for a concession under Part 3B or another enactment that applies Part 3B, if Part 3B does not already prescribe a time limit for doing that thing:

(b) prescribing a time limit for the Director-General to satisfy the requirement of section 49(2)(c) or (d) in relation to an application for a concession under Part 3B or another enactment that applies Part 3B:

(c) providing for how a prescribed time limit may be extended (for example, at the Minister's discretion or by agreement between the Minister and the applicant):

(d) providing for the extent to which a prescribed time limit may be extended:

(e) providing for the consequences of not meeting a prescribed time limit or any extension of the time limit:

(f) providing for any other matters relating to a prescribed time limit.

(2) In this section, **prescribed time limit** means a time limit prescribed by regulations made under this section.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 48AA: inserted, on 31 August 2012, by section 5 of the Conservation Amendment Act 2012 (2012 No 61).

Section 48AA(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

48A Special regulations relating to freshwater fisheries

(1) Without limiting section 48, the Governor-General may from time to time, by Order in Council, on the recommendation of the Minister, make regulations for all or any of the following purposes:

(a) providing for the establishment of an advisory user group for the Taupo Fishery, and prescribing its functions, powers, proceedings, and other necessary matters:

(b) prescribing a total allowable catch in respect of any freshwater fish, freshwater fishery, or method of fishing for freshwater fish:

(c) prescribing the forms and classes of licences to fish for freshwater fish or sports fish and licences to operate as a sports fishing guide, and providing for the issue of such licences and for the disposal of fees for such licences and of fines recovered under this Act:

(d) providing for the Minister to appoint agents and authorise such agents and Fish and Game Councils to issue, on such conditions as may be prescribed in the regulations, licences authorising the holder to fish for sports fish and licences authorising the holder to operate as a sports fishing guide, and providing for licence fees to be paid to such agents and such Councils:

(e) prescribing the scope and effect of licences to fish for freshwater fish or sports fish and licences to operate as a sports fishing guide or any specified class of licences, and providing for licences issued in respect of any region to be available in any other region or regions or in all regions:

(f) regulating or prohibiting—

(i) the taking of any specified freshwater fish, including any method of taking that fish; and

(ii) the use, possession, or sale of any specified freshwater fish:

(g) providing for the issue, refusal, renewal, suspension, revocation, modification, and imposition by the regulations or the Director-General (by notice) of conditions on licences for persons who wish to acquire or be in possession in prescribed circumstances of fish taken for the purposes of sale:

(h) providing for the recognition of licences granted under any other Act as licences for the purposes of this Act:

(i) providing for the variation, renewal, and revocation of licences to fish for freshwater fish or sports fish and licences to operate as a sports fishing guide and for the refusal of the issue of licences in certain cases:

(j) providing for the payment to a Fish and Game Council of any fines or licence fees for the purposes of the distribution, rearing, cultivation, or protection of sports fish in the area under the jurisdiction of that Council, or, with the approval of the Minister given upon or subject to such conditions as the Minister thinks fit, for the purpose of applying the same or any part thereof either alone or jointly with any other Council for any such purpose in the area of any Council, or for any related purpose approved by the Minister:

(k) providing for the payment to the Director-General of any fines or licence fees for the purposes of the distribution, rearing, cultivation, or protection of freshwater fish in any area, or, with the approval of the Minister given upon or subject to such conditions as the Minister thinks fit, for any related purpose:

(l) prohibiting, restricting, or regulating the use of electric fishing devices for the taking of freshwater fish or sports fish, including (without limitation)—

(i) prohibiting the use of electric fishing devices except in accordance with the written authority of both the Director-General and a Fish and Game Council, and exempting or providing for the exemption of any person or class of persons from any such prohibition:

(ii) prescribing conditions subject to which such authorisations may be given, or providing for the specifying of such conditions by the person or body that grants the authorisation:

(iii) providing for the variation or withdrawal of any such authorisation (which may include withdrawal on the grounds of the commission of an offence against the Fisheries Act 1983 or this Act, or against any regulations made under that Act or this Act, where the offence involves the possession or use of an electric fishing device), and for the revocation, variation, and addition of any condition of any such authorisation:

(iv) providing for appeals against all or any of the following:

(A) the refusal to grant any such authorisation:

(B) the imposition or variation of any conditions relating to any such authorisation:

(C) the withdrawal of any such authorisation:

(m) regulating, restricting, or imposing conditions on the canning, smoking, freezing, or other preserving of trout or other specified freshwater fish and the possession thereof when canned, smoked, frozen, or otherwise preserved; and providing for the inspection of canneries, smokehouses, freezing chambers, refrigerating works, and any premises (not being a dwellinghouse) where freshwater fish are canned, smoked, frozen, preserved, treated, dressed, or stored:

(n) requiring and authorising the provision of devices and facilities to permit or control the passage of freshwater fish or sports fish through or around any dam or other structure impeding the natural movement of fish upstream or downstream:

(na) prohibiting, restricting, or regulating any structure or alteration to a water body that could impede or affect the passage of freshwater fish or specified freshwater fish (*see* clause 6 of Schedule 1AA):

(o) authorising the establishment of fish hatcheries by Fish and Game Councils, or the Department, and regulating the management and operation of such establishments:

(p) to prohibit or impose conditions and restrictions on the possession, or the retention in captivity, or the transfer to or release into any waters, of any live aquatic life:

(q) prescribing conditions and rentals payable in respect of fishing competitions generally; and authorising the Director-General to, by notice, prescribe such conditions and rentals in respect of the Taupo Fishery; and authorising Fish and Game Councils to, by notice, prescribe such conditions and rentals in respect of waters under their respective jurisdictions:

(r) in relation to indigenous freshwater fish,—

(i) specifying activities that are reasonably likely to injure or kill specified indigenous freshwater fish; and

(ii) regulating, restricting, or imposing conditions on those specified activities that are reasonably necessary to prevent the killing or injuring of those fish; and

(iii) specifying indigenous freshwater fish that are endangered and restricting or prohibiting the taking of those fish:

(s) specifying any requirements that must be met by a person seeking an authorisation under section 26ZHD, 26ZJA(5), or 26ZP(6):

(t) imposing conditions or restrictions that apply to an authorisation under section 26ZP:

(u) specifying freshwater fish that are noxious fish and providing for their control, regulation, or prohibition:

(v) imposing reporting requirements relating to the taking, injuring, killing, use, possession, or sale of specified freshwater fish.

(1A) Before making any recommendation under subsection (1), the Minister must consult any person or organisation that the Minister considers is likely to be substantially affected by, or will be representative of the interests of people likely to be substantially affected by, the regulations.

(2) Any such regulations—

(a) may apply generally throughout New Zealand or New Zealand freshwaters or be made to apply only within such area or areas as may be defined in that behalf:

(b) may apply special conditions or confer special rights in relation to fishing by specified communities.

(2A) Notwithstanding anything in section 48(1)(k) or section 48A(1)(c) or (e), the Minister may by notice,—

(a) fix the forms and classes of licences to fish for sports fish:

(b) fix the scope and effect of licences or any specified class of licences to fish for sports fish:

(c) provide for the licences issued in respect of any region for sports fish to be available in any other region or regions or in all regions:

(d) fix the fees payable for any licence to fish for sports fish.

(2B) *[Repealed]*

(3) Subject to subsection (4), for the purpose of ensuring compliance with the requirements of any regulations made under subsection (1)(j), any person authorised in that behalf by the Controller and Auditor-General may, during the usual working hours of the Council, enter upon the premises of any Fish and Game Council and there inspect any books or papers belonging to or in the possession of the Council.

(4) Before entering any premises pursuant to subsection (3), a person referred to in that section shall produce evidence of his or her appointment, if requested to do so by the person appearing to be in charge of those premises.

(5) Subsection (6) applies if there is inconsistency between—

(a) a provision relating to indigenous freshwater fish in regulations made under subsection (1)(b), (f), or (i); and

(b) a provision in Treaty settlement legislation, or a provision in regulations relating to Māori fishing rights made under the Fisheries Act 1996.

(6) If this subsection applies, a provision described in subsection (5)(b) prevails over a provision described in subsection (5)(a).

(7) The following are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements):

(a) regulations under subsection (1):

(b) a notice under subsection (2A).

(8) If regulations under subsection (1)(g) provide for the Director-General to impose conditions on licences,—

(a) the notice imposing the conditions is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless the notice applies only to 1 or more named persons; and

(b) the regulations must contain a statement to that effect.

(8A) If regulations authorise a person to grant exemptions referred to in subsection (1)(l)(i),—

(a) an exemption is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and

(b) the regulations must contain a statement to that effect.

(9) If regulations under subsection (1)(q) authorise the Director-General or Fish and Game Councils to prescribe conditions or rentals payable,—

(a) the notice prescribing the conditions or rentals payable is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and

(b) the regulations must contain a statement to that effect.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (7)		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (8)(a), (8A)(a), or (9)(a)		
Publication	See the relevant publication, presentation, and disallowance table in the secondary legislation referred to in subsection (7)	LA19 ss 73, 74, Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives, unless a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 48A: inserted, on 10 April 1990, by section 27 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 48A(1): amended, on 22 October 2019, by section 15(1) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 48A(1)(c): amended, on 13 March 1996, by section 36(1)(a) of the Conservation Amendment Act 1996 (1996 No 1).

Section 48A(1)(d): amended, on 13 March 1996, by section 36(1)(b) of the Conservation Amendment Act 1996 (1996 No 1).

Section 48A(1)(e): amended, on 13 March 1996, by section 36(1)(c) of the Conservation Amendment Act 1996 (1996 No 1).

Section 48A(1)(f): replaced, on 22 October 2019, by section 15(2) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 48A(1)(g): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 48A(1)(i): amended, on 13 March 1996, by section 36(1)(e) of the Conservation Amendment Act 1996 (1996 No 1).

Section 48A(1)(l): substituted, on 1 April 1993, by section 173(2) of the Electricity Act 1992 (1992 No 122).

Section 48A(1)(l)(iv): substituted, on 25 November 1994, by section 23 of the Conservation Amendment Act 1994 (1994 No 108).

Section 48A(1)(q): substituted, on 13 March 1996, by section 36(2) of the Conservation Amendment Act 1996 (1996 No 1).

Section 48A(1)(q): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 48A(1)(na): inserted, on 22 October 2019, by section 15(3) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 48A(1)(r): inserted, on 22 October 2019, by section 15(4) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 48A(1)(s): inserted, on 22 October 2019, by section 15(4) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 48A(1)(t): inserted, on 22 October 2019, by section 15(4) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 48A(1)(u): inserted, on 22 October 2019, by section 15(4) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 48A(1)(v): inserted, on 22 October 2019, by section 15(4) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 48A(1A): inserted, on 22 October 2019, by section 15(5) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 48A(2A): inserted, on 2 September 1996, by section 2 of the Conservation Amendment Act (No 3) 1996 (1996 No 116).

Section 48A(2A): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 48A(2B): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 48A(5): inserted, on 22 October 2019, by section 15(6) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 48A(6): inserted, on 22 October 2019, by section 15(6) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 48A(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 48A(8): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 48A(8A): inserted, on 28 October 2021, by regulation 5 of the Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247).

Section 48A(9): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

48B Special regulations relating to South Island freshwater fisheries

(1) The Governor-General may from time to time, by Order in Council, make regulations providing for customary Māori fishing rights with respect to freshwater fisheries within South Island fisheries waters.

(2) The regulations must be consistent with the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and this Act, and provide for input by Ngāi Tahu and other South Island iwi into the integrated management (including control) by the Minister of Conservation of the freshwater fisheries to which the regulations apply.

(3) Without limiting the generality of subsections (1) and (2), the regulations may—

(a) provide for freshwater fishing for the purposes of customary food gathering by Māori, and for access to the places where such customary food gathering may be undertaken:

(b) provide for a process including public notification and dispute resolution to identify and confirm the appointment, and the cancellation or revocation of such appointment, of any tāngata tiaki/kaitiaki of the tāngata whenua for the purpose of identifying and managing any food gathering area:

(c) empower any tāngata tiaki/kaitiaki of the tāngata whenua to authorise the taking of freshwater fish for customary food gathering from within any food gathering area for which the tāngata tiaki/kaitiaki has been appointed:

(d) provide for tāngata tiaki/kaitiaki to manage customary food gathering of freshwater fish administered under this Act:

(e) provide for such matters as may be necessary or desirable to achieve the proper administration of the regulations, including the recording of authorisations, provision of reports, and meetings by tāngata whenua:

(f) provide for the Minister of Conservation to intervene and to provide information and assistance in order to promote the objectives of the regulations:

(g) provide for such matters as may be necessary or desirable to achieve compliance with the regulations:

(h) prescribe offences for the breach of the regulations and for the imposition of fines not exceeding $10,000, including the imposition of different fines in respect of a first offence, a second offence, and subsequent offences.

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 48B: inserted, on 22 October 1998, by section 305(2) of the Ngāi Tahu Claims Settlement Act 1998 (1998 No 97).

Section 48B(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

48C Regulations relating to infringement offences

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations—

(a) prescribing infringement offences for the contravention of regulations made under this Act:

(b) prescribing penalties for infringement offences, which,—

(i) in the case of infringement fees, must not be more than $1,000; and

(ii) in the case of maximum fines, must not be more than twice the amount of the infringement fee for the offence:

(c) prescribing information to be included in infringement notices and reminder notices.

(2) An offence prescribed under subsection (1)(a) may apply to conduct that—

(a) is also punishable by an offence made under section 48(1)(n) that is not an infringement offence; or

(b) is similar to that conduct.

(3) Subsection (2) does not limit subsection (1)(a).

(4) In the circumstances described in subsection (2), the infringement offence does not prevent the prosecution of, and conviction for, the offence referred to in subsection (2)(a).

(5) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 48C: inserted, on 21 December 2018, by section 12 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 48C(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

49 Public notice and rights of objection

(1) Where this Act requires any thing to be publicly notified, the Minister shall publish a notice of the thing in some newspaper circulating in the area in which

the subject matter of the notice is situated and at least once in each of 4 daily newspapers published in Auckland, Wellington, Christchurch, and Dunedin, respectively; but if satisfied that the thing is of local or regional interest only, the Minister may limit the publication of the notice to a newspaper or newspapers circulating throughout the locality or region in which the subject matter is situated.

(2) Where the Minister gives public notice of intention to exercise any power conferred by this Act or gives public notice of an application for a concession—

(a) any person or organisation may object in writing to the Director-General against the proposal, or make written submissions on the proposal; and

(b) the Minister must give persons and organisations wishing to make objections or submissions the following time to do so:

(i) in the case of the exercise of a power, at least 40 working days:

(ii) in the case of an application for a concession, at least 20 working days; and

(ba) every objection or submission must be sent to the Director-General at the place, and by the date, specified in the notice; and

(c) where a person or organisation making an objection or submission so requests in the objection or submission, the Director-General shall give the person or organisation a reasonable opportunity of appearing before the Director-General in support of the objection or submission; and

(d) the Director-General shall send to the Minister with a recommendation a summary of all objections and comments received and a recommendation as to the extent to which they should be allowed or accepted; and

(e) the Minister shall consider the recommendation and the contents of the summary before deciding whether or not to proceed with the proposal.

(3) The Director-General shall determine the procedure at any hearing under this section.

Section 49(2): amended, on 18 October 2017, by section 204(1) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 49(2): amended, on 10 April 1990, by section 13(3) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 49(2)(b): replaced, on 18 October 2017, by section 204(2) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 49(2)(ba): inserted, on 18 October 2017, by section 204(2) of the Resource Legislation Amendment Act 2017 (2017 No 15).

50 Changes of status of land to be noted

(1) Where a notice is published in the *Gazette* under this Act changing the status of any land or notifying the disposal of any interest in a stewardship area, the Registrar-General of Land or Chief Surveyor, as the case requires, shall register a copy of it against the appropriate title or record.

(2) After disposing of or transferring any land or interest in land under section 60(2) or section 64A, the Director-General shall give the appropriate Chief Surveyor written notice of the disposal or transfer.

Section 50(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 50(2): added, on 21 December 1988, by section 4(2) of the Conservation Amendment Act (No 2) 1988 (1988 No 237).

50A Errors of description in notices may be corrected

(1AAA) This section applies to a notice that is secondary legislation or that is required to be published in the *Gazette*.

(1AAB) The publication requirements that apply to an amending notice under this section are the same as those that applied to the original notice.

(1) Where in any notice there has been made any error of description (whether with respect to the boundaries of an area of land or otherwise), the Minister may revoke the notice and issue in its place a fresh notice with amended particulars and descriptions, or may by a further notice amend the original notice to correct any such errors.

(2) Every fresh notice or amending notice under this section shall, according to its tenor, take effect as from the date on which the original notice was intended to take effect or as from such other date as may be specified in that behalf in the fresh or amending notice.

(3) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements) if the notice amends or replaces secondary legislation.

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The secondary legislation must be published in the same way as the secondary legislation it amends or replaces	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives if the Minister was required to present the notice it amends or replaces	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 50A: inserted, on 10 April 1990, by section 28 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 50A(1AAA): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 50A(1AAB): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 50A(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 50A(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

51 Consent or approval may be conditional

(1) Except where it is otherwise expressly provided in this Act or any other Act, every arrangement, approval, authority, concurrence, consent, decision, order, permission, permit, waiver, or other similar action given, granted, issued, made, or reached by the Minister under this Act or any other Act in respect of any conservation area, or any land to which section 61 or section 62 applies, shall be subject to the payment of such rents and compensation, and to such conditions (including a requirement to give any security), as the Minister may impose.

(2) Where the Minister has given, granted, issued, made or reached any arrangement, approval, authority, concession, concurrence, consent, easement, decision, lease, licence, order, permission, permit, waiver, or other similar action under this Act or any other Act in respect of any conservation area, or any land to which section 61 or section 62 applies, the Minister may take all necessary proceedings—

(a) to enforce any conditions of the arrangement, approval, authority, concession, concurrence, consent, easement, decision, lease, licence, order, permission, permit, waiver, or other similar actions:

(b) in respect of any breaches of the conditions:

(c) in respect of any act or omission contrary to the terms upon which the arrangement, approval, concession, concurrence, consent, easement, lease, licence, decision, order, permission, permit, waiver or other action was given, granted, issued, made or reached.

Section 51: substituted, on 1 July 1996, by section 37 of the Conservation Amendment Act 1996 (1996 No 1).

Part 6A
Infringement offences

Part 6A: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51A Relationship with other offences

Nothing in this Part prevents the prosecution of, and conviction for, an offence in any other Part of this Act (instead of proceeding under this Part).

Section 51A: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Subpart 1—Infringement offences

Subpart 1: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Fisheries

Heading: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51B Taking sports fish in contravention of Anglers Notice

(1) A person must not take sports fish from any waters in contravention of an Anglers Notice in force in respect of those waters.

(2) A person who fails to comply with this section commits an infringement offence.

Section 51B: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51C Taking sports fish without licence

(1) A person must not take sports fish from any freshwater unless the person holds a licence under this Act that permits the taking of the fish.

(2) Subsection (1) does not apply to the taking of sports fish for the purposes of scientific investigation or data collection if the fish are taken—

(a) under a permit or an authority granted under this Act; and

(b) in accordance with any conditions imposed by the permit or authority.

(3) A person who fails to comply with this section commits an infringement offence.

Section 51C: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51CA Taking indigenous freshwater fish without authority

(1) A person must not take indigenous freshwater fish from any freshwater, except in accordance with section 26ZHB or an authorisation given under section 26ZHC or 26ZHD.

(2) A person who fails to comply with this section commits an infringement offence.

Section 51CA: inserted, on 27 November 2025, by section 26 of the Statutes Amendment Act 2025 (2025 No 74).

51D Possessing sports fish taken unlawfully

(1) A person must not have in the person's possession any sports fish that was taken in contravention of section 51C(1).

(2) A person who fails to comply with this section commits an infringement offence.

Section 51D: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51E Establishing, managing, or operating fish hatchery in breach of regulations

(1) A person must not establish, manage, or operate a fish hatchery for sports fish unless the person is authorised to do so by regulations made under this Act.

(2) This section does not apply in relation to the management or operation of any hatchery for sports fish that was already established or was being established as at 10 April 1990.

(3) A person who fails to comply with this section commits an infringement offence.

Section 51E: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51F Offences relating to spawning fish

(1) A person must not, without a permit or an authority under this Act, or in contravention of a condition of a permit or an authority,—

(a) disturb a declared spawning area within the meaning of section 26ZJA(7); or

(b) disturb or injure the eggs or larvae of any freshwater fish; or

(c) take or have in the person's possession the eggs or larvae of any freshwater fish; or

(ca) disturb any sports fish that are congregating or have congregated to spawn; or

(d) with any spear, gaff, speargun, net, trap, or similar device, take any sports fish from a river or stream where sports fish are congregating or have congregated for spawning; or

(e) while in the vicinity of any river or stream where sports fish are congregating or have congregated for spawning, have possession or control of any spear, gaff, speargun, net, trap, or similar device or material suitable for the taking of any sports fish, in circumstances likely to result in the taking of sports fish.

(2) Subsection (1)(a) to (c) does not apply to the taking of freshwater fish subsequently found to contain eggs or larvae.

(3) A person who fails to comply with this section commits an infringement offence.

Section 51F: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 51F(1)(a): replaced, on 22 October 2019, by section 16(1) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 51F(1)(c): amended, on 22 October 2019, by section 16(2) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 51F(1)(ca): inserted, on 22 October 2019, by section 16(3) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Section 51F(1)(d): amended, on 22 October 2019, by section 16(4) of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

51G Failure to comply with restrictions on fishing

(1) A person must not contravene a prohibition, restriction, or condition imposed by a notice given under section 26ZL(1).

(2) A person who fails to comply with this section commits an infringement offence.

Section 51G: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51H Transfer or release of live aquatic life

(1) A person must not transfer live aquatic life or release live aquatic life into any freshwater, except in accordance with section 26ZM.

(2) A person who fails to comply with this section commits an infringement offence.

Section 51H: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51I Fishing in closed season

(1) A person must not, during the period of a closed season for a species of fish determined under section 26ZP, take, have in the person's possession, or in any way injure or disturb a fish of that species.

(2) A person who fails to comply with this section commits an infringement offence.

Section 51I: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51J Buying or selling fish for purpose of sale contrary to Act

(1) A person must not—

(a) buy or sell sports fish taken in New Zealand; or

(b) buy or sell any freshwater fish that was taken in New Zealand in contravention of Part 5B or of any regulation made or notice given under this Act.

(2) Section 26ZQ(2) and (3) applies for the purpose of this section.

(3) A person who fails to comply with this section commits an infringement offence.

Section 51J: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51K Possessing certain kinds of fish without approval

(1) A person must not have in the person's possession restricted fish, unless the person has approval to do so under section 26ZM(2) or (3) or 26ZQA(2).

(2) A person who fails to comply with this section commits an infringement offence.

(3) In this section, **restricted fish** has the meaning given in section 26ZQA(1).

Section 51K: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51L Using hazardous substances, etc, to take or destroy fish

(1) A person must not, for the purpose of taking or destroying freshwater fish, use in any water a hazardous substance, narcotic substance, or electric fishing device.

(2) Subsection (1) does not apply to actions taken by—

(a) a warranted officer or a fish and game ranger; or

(b) a person authorised in writing for the purpose by the Director-General, the Director, or the appropriate Fish and Game Council.

(3) A person who fails to comply with this section commits an infringement offence.

(4) In this section, **hazardous substance** has the meaning given in section 2(1) of the Hazardous Substances and New Organisms Act 1996.

Section 51L: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Control of dogs

Heading: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51M Offences relating to controlled dog areas and open dog areas

(1) An owner or a person in charge of a dog must not allow the dog to enter or remain in any part of a controlled dog area, unless the person—

(a) is allowed to do so by a dog control permit issued under section 26ZZH; and

(b) complies with the permit.

(2) A person in charge of a dog in a controlled dog area must keep the dog under the person's control.

(3) An owner or a person in charge of a dog in a controlled dog area or an open dog area must not contravene any condition imposed in relation to that controlled dog area or open dog area under section 26ZU(c).

(4) A person who fails to comply with this section commits an infringement offence.

Section 51M: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51N Dogs causing serious injury to protected wildlife

(1) An owner or a person in charge of a dog in a controlled dog area or an open dog area must ensure that the dog does not attack protected wildlife and cause—

(a) the death of protected wildlife; or

(b) injury to protected wildlife so that it becomes necessary to destroy the wildlife to end its suffering.

(2) A person who fails to comply with this section commits an infringement offence.

Section 51N: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Conservation areas

Heading: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51O Hunting and other activities without, or not in compliance with, permit

(1) A person must not, without a permit issued under section 26ZZH or 38(1), or in contravention of a condition of such a permit,—

(a) discharge any hunting weapon in, into, or over any conservation area; or

(b) molest or pursue any animal in a conservation area; or

(c) capture, kill, poison, tranquillise, trap, or immobilise by any means an animal in a conservation area; or

(d) have in the person's possession an animal or animal product in a conservation area; or

(e) whether or not any animal product is taken, take or use, in or over a conservation area, an aircraft, dog, hunting weapon, net, poison, ship, snare, or vehicle to molest, pursue, capture, kill, poison, tranquillise, trap, or immobilise, by any means, an animal in the conservation area; or

(f) take any animal product while in a conservation area; or

(g) take or use, in or over a conservation area, an aircraft, dog, net, ship, or vehicle to take any animal product from the conservation area; or

(h) enter a conservation area with a hunting weapon, net, trap, or snare, or with poison; or

(i) set a net, trap, or snare in a conservation area; or

(j) allow an animal that the person is in charge of to molest, pursue, or kill any animal in a conservation area.

(2) A person who fails to comply with this section commits an infringement offence.

(3) For the purpose of subsection (1), **animal** does not include fish.

Section 51O: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51P Disposing of animal product

(1) A person must not use, receive, sell, or otherwise dispose of an animal or animal product that was taken in breach of section 51O(1).

(2) A person who fails to comply with this section commits an infringement offence.

Section 51P: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51Q Taking plants

(1) A person must not take a plant into or from a conservation area except—

(a) with the authority of and in accordance with a concession under Part 3B; or

(b) in accordance with an access arrangement under the Crown Minerals Act 1991; or

(c) in accordance with a lease or licence granted before the commencement of this Act; or

(d) in accordance with section 24H(5) (if the person is the manager of a marginal strip) or 24H(6)(a) or (b) (if the person holds a Crown forestry licence under the Crown Forest Assets Act 1989); or

(e) in accordance with an authorisation given by the Director-General under section 30(2).

(2) A person who fails to comply with this section commits an infringement offence.

Section 51Q: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51R Littering

(1) A person must not deposit litter in a conservation area.

(2) A person who fails to comply with this section commits an infringement offence.

(3) In this section,—

deposit has a corresponding meaning to the meaning of depositing in section 2(1) of the Litter Act 1979

litter has the meaning given in section 2(1) of the Litter Act 1979.

Section 51R: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51S Other offences in respect of conservation areas

(1) A person must not, without the authority of the Minister or the Director-General,—

(a) enter or remain in a conservation area declared closed by the Minister under section 13; or

(b) enter a conservation area with a vehicle, ship, or aircraft in breach of a prohibition or restriction imposed under this Act; or

(c) contravene or fail to comply with section 17O(2), which requires a person to be authorised by a concession in order to carry out certain activities in conservation areas; or

(d) contravene or fail to comply with section 17ZF, which relates to operating aircraft in conservation areas; or

(e) liberate an animal in a conservation area; or

(f) cause or allow an animal to enter a conservation area; or

(g) plant a plant, or sow or scatter the seed of a plant, or introduce a substance likely to be injurious to plants or animals, in a conservation area; or

(h) interfere with or damage historic or natural features of or in a conservation area; or

(i) erect a building, sign, hoarding, or structure in a conservation area; or

(j) construct an apparatus in a conservation area; or

(k) conduct an activity for which a concession is required under this Act in a conservation area without the required concession; or

(l) take or remove gravel, sand, stone, clay, limestone, or other similar natural resource other than as allowed by a concession under this Act or by another enactment.

(2) A person must not dispose of a contaminant—

(a) into or onto a conservation area; or

(b) that spills, drifts, or blows into or onto or percolates or washes into or onto a conservation area.

(3) A person who fails to comply with this section commits an infringement offence.

Section 51S: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Miscellaneous infringement offences

Heading: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51T Management of marginal strips

(1) A manager of a marginal strip must not—

(a) damage, or cause to be damaged, the marginal strip or any part of it; or

(b) use the marginal strip for any purpose contrary to a provision of, or a requirement imposed under, Part 4A.

(2) A person who fails to comply with this section commits an infringement offence.

Section 51T: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51U Failure to produce permits, etc, on demand

(1) A person who does any act that, under this Act, requires a permit, concession, right, or other authority must produce the appropriate authority if requested to do so by a warranted officer.

(2) A person who fails to comply with this section commits an infringement offence.

Section 51U: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Subpart 2—Procedural matters

Subpart 2: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51V Proceedings for infringement offences

(1) A person who is alleged to have committed an infringement offence may either—

(a) be proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011; or

(b) be served with an infringement notice under section 51X.

(2) If an infringement notice has been issued under section 51X, proceedings for the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957, and in that case the provisions of that section apply with all necessary modifications.

Section 51V: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51W Who may issue infringement notices

(1) The Director-General may authorise a warranted officer, in writing, to issue infringement notices under this Act.

(2) The Director of the New Zealand Fish and Game Council may authorise a fish and game ranger, in writing, to issue infringement notices under this Act.

(3) The Director of the New Zealand Fish and Game Council must not authorise an honorary fish and game ranger to issue infringement notices under this Act.

(4) The Director of the New Zealand Fish and Game Council—

(a) must, in exercising the power in subsection (2), comply with the national compliance and enforcement policy approved by the Minister under section 26HA; and

(b) may not exercise the power in subsection (2) if no such policy has been approved.

(5) The Director of the New Zealand Fish and Game Council must not delegate the power in subsection (2).

(6) In this section, **honorary fish and game ranger** means a person appointed in an honorary capacity under section 26FA(2).

Section 51W: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51X Infringement notices

(1) A warranted officer or fish and game ranger authorised under section 51W (an **issuer**) may issue an infringement notice to a person if the issuer believes on reasonable grounds that the person is committing, or has committed, an infringement offence.

(2) The issuer may deliver the infringement notice (or a copy of it) in person to the person alleged to have committed an infringement offence or send the notice by post addressed to that person's last known place of residence or business.

(3) An infringement notice (or a copy of it) sent by post to a person under subsection (2) is to be treated as having been served on that person when it was posted.

(4) An infringement notice must be in the prescribed form and must contain the following particulars:

(a) such details of the alleged infringement offence as are sufficient to fairly inform a person of the time, place, and nature of the alleged offence; and

(b) the amount of the infringement fee; and

(c) the address of the place at which the infringement fee may be paid; and

(d) the time within which the infringement fee must be paid; and

(e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and

(f) a statement that the person served with the notice has a right to request a hearing; and

(g) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing; and

(h) any other particulars that may be prescribed.

Section 51X: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51Y Reminder notices

A reminder notice must be in the prescribed form, and must include the same particulars, or substantially the same particulars, as the infringement notice.

Section 51Y: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51Z Payment of infringement fees

All infringement fees paid in respect of infringement offences must be paid into a Crown Bank Account.

Section 51Z: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

51ZA Penalties for infringement offences

A person who commits an infringement offence is liable on conviction to—

(a) the infringement fee prescribed in regulations for that offence; or

(b) a fine imposed by a court not exceeding the maximum fine prescribed in regulations for that offence.

Section 51ZA: inserted, on 21 December 2018, by section 13 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Part 7
Administration

52 Director-General of Conservation

There shall from time to time be appointed under the Public Service Act 2020 a Director-General of Conservation who, subject to the control of the Minister, shall be the administrative head of the Department.

Section 52: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

53 Powers of Director-General

(1) The Director-General has all powers that are reasonably necessary or expedient to enable the Department to perform its functions.

(2) Without limiting the generality of subsection (1), the Director-General may—

(a) prepare and carry out, or commission the carrying out of, surveys, investigations, and inventories:

(b) conduct or commission research or study:

(c) collect or commission the collection of information:

(d) disseminate information in respect of any conservation area:

(e) prepare, or commission the preparation of, plans for the conservation, management, and control, or any of them, of any natural and historic resource:

(f) erect dwellings on land held under this Act for occupation by the Department's officers and employees:

(g) erect on land held under this Act public shelters, visitor's centres, or other buildings necessary or desirable for the due administration of this Act:

(h) construct and maintain means of access on any conservation area, and with the consent of the owner or occupier, do so on any private land:

(i) enter into any contracts, agreements, and arrangements, necessary for exercising any of the Director-General's powers.

(j) *[Repealed]*

(3) Without limiting the generality of subsection (1), the Director-General—

(a) may enter into agreements or arrangements with any person for the purposes of research and development work on freshwater fishery resources, and any such agreement or arrangement may include the use of facilities owned by that person:

(b) may prepare and carry out, or commission the carrying out of, research, surveys, and investigations, or any of them, into freshwater fisheries:

(c) may issue plans and publications relating to freshwater fish:

(d) shall advocate the conservation of aquatic life and freshwater fisheries generally:

(e) shall manage the Taupo Fishery:

(ea) may reduce or waive payment of any fee prescribed in respect of the taking of sports fish in the Taupo Fishery, in whole or in part, in any particular case:

(f) shall acquire by means of purchase or otherwise and protect habitats:

(g) may control any introduced species causing damage to any indigenous species or habitat.

(4) in relation to the Taupo Fishery, the Director-General shall have all the powers conferred on a Fish and Game Council by or under this Act subject to the following modifications:

(a) paragraphs (b)(iii) and (d)(ii) of section 26Q(1) shall be read as if references to the New Zealand Fish and Game Council were references to the Minister:

(b) paragraphs (d)(iii), (e)(iv), and (e)(v) of section 26Q(1) do not apply to the Director-General:

(c) section 26R(3)(b) shall be read as if references to the role of the New Zealand Fish and Game Council were omitted:

(d) paragraphs (c) and (d) of section 26R(3) shall be read as if references to the New Zealand Fish and Game Council were references to the Director-General.

(5) Any agreement or arrangement entered into under subsection (3)(a) may permit any person to take freshwater fish that the person would not otherwise be entitled to take and may permit the person to retain those fish or any other fish taken by the person under the agreement or arrangement.

Section 53(2): amended, on 15 November 2000, by section 6 of the Conservation Amendment Act 2000 (2000 No 56).

Section 53(2)(e): amended (with effect on 1 April 1987), on 2 July 1987, pursuant to section 11(1) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

Section 53(2)(j): repealed, on 13 March 1996, by section 38(1) of the Conservation Amendment Act 1996 (1996 No 1).

Section 53(3): added, on 10 April 1990, by section 29 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 53(3)(a): amended, on 13 March 1996, by section 38(2) of the Conservation Amendment Act 1996 (1996 No 1).

Section 53(3)(ea): inserted, on 13 March 1996, by section 38(3) of the Conservation Amendment Act 1996 (1996 No 1).

Section 53(3)(g): substituted, on 26 August 1993, by section 2 of the Conservation Amendment Act (No 2) 1993 (1993 No 97).

Section 53(4): substituted, on 13 March 1996, by section 38(4) of the Conservation Amendment Act 1996 (1996 No 1).

Section 53(5): added, on 10 April 1990, by section 29 of the Conservation Law Reform Act 1990 (1990 No 31).

54 Deputy Directors-General of Conservation

(1) There shall from time to time be appointed under the Public Service Act 2020 1 or more Deputy Directors-General of Conservation, as may be necessary or desirable for the effective and efficient carrying out of the functions of the Department.

(2) Subject to the control of the Director-General, a Deputy Director-General shall have and may exercise all of the powers, duties, and functions of the Director-General (including any powers delegated by the Minister under section 57) and shall perform any other duties the Director-General thinks fit.

(3) On the occurrence from any cause of a vacancy in the office of Director-General (whether by reason of death or resignation, or otherwise), or in the case of absence (from whatever cause arising) of the Director-General, and for so long as the vacancy or absence continues,—

(a) the Deputy Director-General if there is only 1; or

(b) a Deputy Director-General authorised in writing in that behalf by the Public Service Commission (before, on, or after the occurrence of the vacancy or absence) in every other case,—

shall have and may exercise and perform all the powers, functions, and duties of the Director-General (including any powers delegated by the Minister under section 57).

(4) The fact that a Deputy Director-General exercises or performs any power, function, or duty of the Director-General shall be conclusive evidence of the authority of the Deputy Director-General to do so; and no authority given under subsection (3)(b) and no act done by a Deputy Director-General under any such authority or under subsection (2) or subsection (3) shall in any proceedings be questioned on the ground that the occasion for the giving of the authority had not arisen or had ceased or that the act was contrary to a direction of the Director-General.

Section 54(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 54(3)(b): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

55 Other officers and employees of Department

There shall from time to time be appointed under the Public Service Act 2020 such other officers and employees of the Department as are necessary for the effective and efficient performance of the functions of the Department.

Section 55: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

56 Committees

(1) The Minister may from time to time appoint, alter, and discharge advisory committees, consisting of 1 or more members, define and vary the terms of reference of those committees, and regulate their procedure as the Minister thinks fit.

(2) The Minister may declare any advisory committee to be a statutory board within the meaning of the Fees and Travelling Allowances Act 1951.

(3) Every member of an advisory committee so declared is entitled to receive—

(a) remuneration by way of fees, salary, or allowances, for the member's services as a member of the committee:

(b) payment of travelling allowances or expenses in respect of time spent travelling in connection with the member's duties as a member of the committee.

57 Delegation of powers by Minister

(1) Subject to subsection (1A), the Minister may from time to time, by writing under the Minister's hand, either generally or particularly, and either uncondi-

tionally or subject to any conditions the Minister thinks fit, delegate to the Director-General, the Conservation Authority, and any Conservation Board, or any of them, all or any of the Minister's powers and functions under this Act or any other enactment, other than the power of delegation conferred on the Minister by this subsection.

(1A) The Minister shall not delegate to the Conservation Authority or to any Conservation Board any of the Minister's powers and functions under Part 5A.

(2) Subject to—

(a) the conditions (if any) subject to which any power was delegated under subsection (1); and

(b) any general or special directions given by the Minister,—

the Director-General, the Authority, or the Board, as the case may be, may exercise the power in the same manner and with the same effect as if it had been conferred on the Director-General, the Authority, or the Board, as the case may be, directly by this section and not by delegation.

(3) Every delegation under subsection (1) shall be revocable at will, and until revoked shall continue in force according to its tenor; and

(a) if the Minister by whom it was made ceases to hold office it shall continue to have effect as if made by the Minister for the time being:

(b) subject to paragraph (c), if the Director-General to whom it was made ceases to hold office, it shall continue to have effect as if made to the Director-General for the time being:

(c) if there is no Director-General for the time being, or if the Director-General is absent from duty, it shall continue to have effect as if made to the person for the time being directed under the Public Service Act 2020 to act in place of the Director-General or to a Deputy Director-General (as the case requires).

(4) In the absence of proof to the contrary, where the Director-General, a Deputy Director-General, or any person directed under the Public Service Act 2020 to act in place of the Director-General purports to act pursuant to a delegation under subsection (1), the action concerned shall be presumed to be in accordance with the delegation.

(5) No delegation under subsection (1) shall affect or prevent the exercise of any power by the Minister.

Section 57(1): substituted (with effect on 1 April 1987), on 10 April 1990, by section 30(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 57(1A): inserted (with effect on 1 April 1987), on 10 April 1990, by section 30(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 57(2): amended (with effect on 1 April 1987), on 10 April 1990, by section 30(2) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 57(3)(c): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 57(4): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

58 Delegation of powers by Director-General

(1) Subject to subsection (2), the Director-General may from time to time, by writing under the Director-General's hand, either generally or particularly, and either unconditionally or subject to any conditions the Director-General thinks fit, delegate to such officer or officers or employee or employees of the Department as the Director-General thinks fit all or any of the powers exercisable by the Director-General under this Act or any other enactment, including any power delegated to the Director-General under this Act.

(2) The Director-General shall keep at the Director-General's office a copy of every instrument by which a delegation under subsection (1) is effected, and shall permit any person to inspect any such copy.

(3) The Director-General shall not—

(a) delegate the power of delegation conferred on the Director-General by subsection (1); or

(b) without the written consent of the Minister delegate any power delegated to the Director-General by the Minister; or

(c) without the written consent of the Public Service Commission, delegate any power delegated to the Director-General under the Public Service Act 2020.

(4) Subject to—

(a) the conditions (if any) subject to which any power was delegated under subsection (1); and

(b) any general or special directions given by the Director-General,—

every person to whom any powers are delegated under subsection (1) may exercise those powers in the same manner and with the same effect as if they had been conferred on that person directly and not by delegation.

(5) A delegation under this section may be made to—

(a) a specified officer or employee of the Department:

(b) the holder for the time being of a specified office in the Department:

(c) officers or employees of the Department of any specified class or classes:

(d) the holders for the time being of any specified offices, or class or classes of office, in the Department.

(6) Every delegation under subsection (1) shall be revocable at will but its revocation shall not take effect until it has been communicated to the delegate, and until revoked it shall continue in force according to its tenor; and if the Director-General by whom it was made ceases to hold office, it shall continue to have effect as if made—

(a) by the Director-General for the time being; or

(b) if there is no Director-General for the time being, by the person for the time being directed under the Public Service Act 2020 to act in place of the Director-General, or by a Deputy Director-General (as the case requires).

(7) Where the Director-General or a delegate of the Director-General uses a written document to inform any other person of an action taken by a delegate of the Director-General, the document—

(a) shall state that the action was taken by a delegate of the Director-General; and

(b) shall give the delegate's name and office; and

(c) shall inform the other person that a copy of the instrument of delegation may be inspected at the Director-General's office.

(8) No delegation under subsection (1) shall affect or prevent the exercise of any power by the Director-General.

(9) For the purposes only of subsection (1), every warranted officer shall be deemed to be an officer of the Department.

Section 58(3)(c): replaced, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 58(6)(b): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

59 Warranted officers

(1) There may from time to time be appointed under the Public Service Act 2020 suitable persons to be warranted officers for the purposes of this Act.

(2) The Director-General may from time to time appoint suitable persons to be warranted officers in an honorary capacity for the purposes of this Act; and every person so appointed shall be deemed to be a warranted officer for the purposes of this Act having the powers specified in the warrant issued to the person.

(3) Any warranted officer may be appointed for a particular district or area or areas or to act generally throughout New Zealand.

(3A) Any warranted officer may be appointed for the particular or general purposes of this Act specified in the warrant issued to that person.

(4) Every warranted officer appointed under subsection (2) shall be appointed for a term not exceeding 3 years specified by the Director-General; but may be reappointed.

(5) Any warranted officer appointed under subsection (2) may at any time be removed from office by the Director-General for incapacity, neglect of duty, or misconduct, proved to the satisfaction of the Director-General, or may at any time resign office by writing addressed to the Director-General.

(6) Every person shall, on ceasing to be a warranted officer, surrender to the Director-General the warrant of appointment, and any badge of office, issued to the person.

(7) No warranted officer appointed under subsection (2) shall, by virtue of the appointment, be deemed to be employed in the service of the Sovereign for the purposes of the Public Service Act 2020 or of the Government Superannuation Fund Act 1956.

(8) The Director-General shall give every warranted officer a written warrant, signed by or on behalf of the Director-General, evidencing the appointment; and the production of the warrant shall, in the absence of proof to the contrary, be conclusive evidence of the appointment.

(9) Every person who is a constable, or a ranger appointed under section 38(1) of the Wildlife Act 1953, section 8(1) of the Reserves Act 1977, or section 40(1) of the National Parks Act 1980, or any person who is a fishery officer or an honorary fishery officer appointed under Part 11 of the Fisheries Act 1996, shall be deemed to be a warranted officer; but, where such a person has been so appointed in respect of part of New Zealand only, the person shall be deemed to have been appointed a warranted officer for that part.

(10) There may be paid to any warranted officer appointed under subsection (2), out of money appropriated by Parliament for the purpose, reimbursement of actual and reasonable expenses incurred in the course of acting as a warranted officer, if the Director-General has given prior authorisation and has subsequently approved the amount of the expenses.

Section 59(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 59(3A): inserted, on 10 April 1990, by section 31(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 59(7): editorial change made by the PCO, on 16 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 59(7): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 59(9): amended, on 27 November 2025, by section 27 of the Statutes Amendment Act 2025 (2025 No 74).

Section 59(9): amended, on 13 March 2017, by section 12(2) of the Wildlife (Powers) Amendment Act 2017 (2017 No 2).

Section 59(9): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 59(9): amended, on 10 April 1990, by section 31(2) of the Conservation Law Reform Act 1990 (1990 No 31).

60 Acquisition of land for administrative purposes

(1) The Director-General may acquire land or any interest in land for the purposes of the Department and the due administration of this Act.

(2) The Director-General may on behalf of the Sovereign, without complying with any provision of this Act (other than section 50(2)) or any provision of the Land Act 1948, dispose of—

(a) any land acquired under subsection (1); or

(b) any interest in any such land; or

(c) any interest in land (being an interest acquired under subsection (1))—

if the land concerned is, at the time of disposal, neither a conservation area nor Crown land.

Section 60 heading: substituted, on 21 December 1988, by section 2(1) of the Conservation Amendment Act (No 2) 1988 (1988 No 237).

Section 60(1): amended, on 21 December 1988, by section 2(1) of the Conservation Amendment Act (No 2) 1988 (1988 No 237).

Section 60(2): added, on 21 December 1988, by section 2(2) of the Conservation Amendment Act (No 2) 1988 (1988 No 237).

Section 60(2): editorial change made by the PCO, on 16 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

60A Persons in respect of whose actions Director-General may recover costs, require royalties, etc

This section applies to the Minister, the Director-General, the holder of any office under any enactment administered by the Department, and every employee of the Department.

Section 60A: inserted, on 30 July 1988, by section 3 of the Conservation Amendment Act 1988 (1988 No 131).

60B Director-General may recover certain costs

(1) The Director-General, after—

(a) any person to whom section 60A applies, has—

(i) considered whether or not to give, grant, issue, make, or reach any approval, authority, concession, concurrence, consent, decision, licence, permission, permit, or waiver, or to take or undertake any similar action (whether or not the consideration has been concluded); or

(ii) given, granted, issued, made, or reached any approval, authority, concession, concurrence, consent, decision, licence, permission, permit, or waiver, or taken or undertaken any similar action; or

(iii) refused to give, grant, issue, make, or reach any approval, authority, concession, concurrence, consent, decision, licence, permission, permit, or waiver, or to take or undertake any similar action; or

(b) the Minister has considered whether or not to recommend to the Governor-General the making of any Order in Council (whether or not the consideration has been concluded),—

(whether under this Act or any other enactment, or otherwise howsoever) may require any person who applied for or otherwise requested the approval, authority, concession, concurrence, consent, decision, licence, order, permission, permit, waiver, or action concerned, or who applied for or otherwise requested any thing for which it was necessary, to pay to the Director-General all or any part the Director-General thinks fit of the direct and indirect costs to the Department of dealing with it (or, as the case requires, dealing with as much of it as has then been dealt with); and in that case—

(c) that latter person shall, within 28 days of receiving from the Director-General a written demand in that behalf, pay those costs or that part accordingly; and

(d) the Director-General may, on behalf of the Minister, recover those costs or that part as a debt due to the Crown by that latter person.

(2) Subsection (1) shall have effect whether or not any person was under a duty imposed by any enactment or by law to take or undertake the action concerned.

(3) The Director-General may, in the Director-General's absolute discretion, refund or waive payment of all or any part of any sum paid or required to be paid pursuant to this section.

(4) Where any person applies to a person to whom section 60A applies for, or otherwise requests from any such person,—

(a) any approval, authority, concession, concurrence, consent, decision, licence, order, permission, permit, waiver, or other action, in respect of which the Director-General is empowered by subsection (1) to recover any costs; or

(b) any thing for which any such action is necessary,—

the person to whom the section applies shall take all reasonable steps to ensure that—

(c) the other person is informed of the general effect of the subsection in relation to the action or thing applied for or requested; and

(d) until the other person has been so informed, no further costs to the Department are incurred other than the cost of so informing the other person.

(5) Subject to subsection (6), on application in that behalf, any person to whom section 60A applies shall give to the applicant the person's best estimate of the costs likely to be required under this section to be paid by the applicant in respect of any specified matter.

(6) A person to whom section 60A applies may refuse to give an estimate under subsection (5) unless paid the reasonable costs to the Department of causing it to be prepared.

(7) No person shall be bound by an estimate given under subsection (5).

(8) Notwithstanding subsection (2), nothing in this section shall apply to any application or inquiry made under the Ombudsmen Act 1975 or the Official Information Act 1982.

Section 60B: inserted, on 30 July 1988, by section 3 of the Conservation Amendment Act 1988 (1988 No 131).

Section 60B(1)(a)(i): amended, on 1 July 1996, by section 39 of the Conservation Amendment Act 1996 (1996 No 1).

Section 60B(1)(a)(ii): amended, on 1 July 1996, by section 39 of the Conservation Amendment Act 1996 (1996 No 1).

Section 60B(1)(a)(iii): amended, on 1 July 1996, by section 39 of the Conservation Amendment Act 1996 (1996 No 1).

section 60B(4)(a): amended, on 1 July 1996, by section 39 of the Conservation Amendment Act 1996 (1996 No 1).

Section 60B(8): added, on 10 April 1990, by section 32 of the Conservation Law Reform Act 1990 (1990 No 31).

60C Indirect applications

Where—

(a) any person (in this section referred to as the beneficiary) applies to a person (being a person to whom section 60A does not apply) for, or otherwise requests from any such person, any action, decision, or thing; and

(b) by virtue of this Act or any other enactment, the action, decision, or thing may not be done, given, granted, issued, reached, taken, or undertaken, except—

(i) with the approval, authority, concession, concurrence, consent, licence, permission, or permit of a person to whom section 60A applies; or

(ii) after any such person has made a decision, or taken or undertaken an action, of a specified kind or description; or

(iii) by an Order in Council made on the recommendation of the Minister, or the Minister and 1 or more other Ministers jointly, or made under an Act administered by the Department; or

(iv) with an approval, authority, concession, concurrence, consent, licence, permission, or permit given, granted, or issued by such an Order in Council; and

(c) as a consequence of the beneficiary's application or request, an application or other request is made by any person—

(i) to a person to whom section 60A applies for the approval, authority, concession, concurrence, consent, decision, licence, permission, permit, or action concerned; or

(ii) to the Minister to recommend the making of the order concerned,—

section 60B shall have effect as if the beneficiary had made the latter application or request directly to the person to whom section 60A applies or, as the case may be, to the Minister.

Section 60C: inserted, on 30 July 1988, by section 3 of the Conservation Amendment Act 1988 (1988 No 131).

Section 60C(b)(i): amended, on 1 July 1996, by section 40 of the Conservation Amendment Act 1996 (1996 No 1).

Section 60C(b)(iv): amended, on 1 July 1996, by section 40 of the Conservation Amendment Act 1996 (1996 No 1).

Section 60C(c)(i): amended, on 1 July 1996, by section 40 of the Conservation Amendment Act 1996 (1996 No 1).

60D Royalties, etc, may be required in certain circumstances

(1) Where—

(a) either—

(i) any person to whom section 60A applies (in this section referred to as the grantor) is empowered by any enactment or by law to give, grant, issue, make, or reach any approval, authority, concession, concurrence, consent, decision, licence, permission, permit, or waiver, or to take or undertake any similar action; or

(ii) the Governor-General is empowered by any such enactment to make an Order in Council; and

(b) an effect in any particular case of the person's doing so (or, in the case of the making of an Order in Council, an effect of the order) would be that any other person (in this section referred to as the beneficiary)—

(i) would be able, or would be able more easily, to carry on any activity; or

(ii) would be able, or would be able more easily, to make a profit or a larger profit, or derive an income or a larger income, or avoid a loss or a larger loss, on or in respect of any action, transaction, or group of actions or transactions; or—

(iii) would acquire or be able to acquire an asset; or

(iv) would be the owner of an asset that had increased in value; or

(v) would acquire or be able to acquire any special or exclusive rights or privileges in relation to any activity or thing that, but for the various rights and privileges of the beneficiary (and, where any other persons have special or exclusive rights or privileges, the rights and privileges of those persons) would be in the public domain; or

(vi) would acquire or be able to acquire increased or additional special or exclusive rights or privileges in relation to any activity or thing that, but for the various rights and privileges of the beneficiary

(and, where any other persons have special or exclusive rights or privileges, the rights and privileges of those persons) would be in the public domain,—

the grantor may refuse to take or undertake the action (or, as the case requires, the Minister may refuse to recommend to the Governor-General the making of the order) in that case unless there have been entered into arrangements satisfactory to the Director-General for the payment to the Director-General of royalties, rent, fees, and other charges, or any of them.

(2) Subsection (1) shall have effect whether or not the grantor is under a duty imposed by any enactment or by law to take or undertake the action concerned or the Minister is under any such duty to recommend the making of the order concerned.

(3) There shall be deemed to have been consideration for any person's entering into any arrangement with the Director-General under subsection (1).

Section 60D: inserted, on 30 July 1988, by section 3 of the Conservation Amendment Act 1988 (1988 No 131).

Section 60D(1)(a): amended, on 1 July 1996, by section 41(a) of the Conservation Amendment Act 1996 (1996 No 1).

Section 60D(1)(a)(i): amended, on 25 November 1994, by section 24 of the Conservation Amendment Act 1994 (1994 No 108).

Section 60D(1)(b)(i): amended, on 1 July 1996, by section 41(b) of the Conservation Amendment Act 1996 (1996 No 1).

60E Payments

All money paid to the Director-General under section 60B or under any arrangement under section 60D shall be deemed to have been paid under this Act.

Section 60E: inserted, on 30 July 1988, by section 3 of the Conservation Amendment Act 1988 (1988 No 131).

60F Record of title in respect of conservation areas

(1) On the written request of the Director-General in respect of any of the land for the time being held under this Act for conservation purposes or for the purposes of the Department, the Registrar-General of Land must issue a record or records of title under the Land Transfer Act 2017 (in the name of the Sovereign for conservation purposes or for the purposes of the Department).

(2) For the purposes only of the Land Transfer Act 2017, a request under subsection (1) is conclusive evidence that the land to which it relates is held under this Act for conservation purposes or, as the case requires, for the purposes of the Department.

(3) If the survey of any land is inadequate for the issue of a record of title under subsection (1), the Registrar-General of Land may require the Director-General to deposit such other plan as the Registrar-General of Land, after consultation

with the Surveyor-General, thinks sufficient to comply with section 224 of the Land Transfer Act 2017.

Section 60F: inserted, on 21 December 1988, by section 3 of the Conservation Amendment Act (No 2) 1988 (1988 No 237).

Section 60F heading: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 60F(1): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 60F(1): editorial change made by the PCO, on 16 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 60F(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 60F(3): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Part 8
Transitional, consequential amendments, and savings

61 Certain former State forest land to become protected area on commencement of Act

(1) Any land that, immediately before the commencement of this Act, was a forest sanctuary shall be deemed to have been declared to be held for the purpose of a sanctuary area by a notice under section 18(1) published in the *Gazette* on that commencement.

(2) Any land that, immediately before the commencement of this Act,—

(a) was a forest park; and

(b) was not shown on any plan lodged in the office of the Chief Surveyor for the land district in which it is situated (being a plan certified as correct for the purposes of section 24 of the State-Owned Enterprises Act 1986 by the Chief Surveyor) as being allocated for possible transfer to a State enterprise,—

shall, until it—

(c) is declared to be held for conservation purposes under section 7(1); or

(d) is vested in a State enterprise under the said section 24,—

be deemed to be a conservation park.

(2A) Nothing in subsection (2) applies to any land that, immediately before the commencement of the Crown Forest Assets Act 1989, was shown as being allocated to New Zealand Forestry Corporation Limited on record plans lodged in the office of the Chief Surveyor for the land district in which the land is situated.

(2B) Land of the kind referred to in subsection (2A) that has, before the commencement of the Crown Forest Assets Act 1989, been declared to be held for con-

servation purposes under section 7(1), shall, with effect from the commencement of that Act, be deemed not to have been declared to be held for those purposes.

(3) When any land to which subsection (2) applies is declared to be held for conservation purposes under section 7(1), it shall be deemed to have been declared to be held for the purpose of a conservation park by a notice in the *Gazette* under section 18(1).

(4) Any land that, immediately before the commencement of this Act,—

(a) was State forest land dedicated under section 15(ba) of the Forests Act 1949 as a wilderness area; and

(b) was not shown on any plan lodged in the office of the Chief Surveyor for the land district in which it is situated (being a plan certified as correct for the purposes of section 24 of the State-Owned Enterprises Act 1986 by the Chief Surveyor) as being allocated for possible transfer to a State enterprise,—

shall, until it—

(c) is declared to be held for conservation purposes under section 7(1); or

(d) is vested in a State enterprise under the said section 24,—

be deemed to be a wilderness area.

(5) When any land to which subsection (4) applies is declared to be held for conservation purposes under section 7(1), it shall be deemed to have been declared to be held for the purpose of a wilderness area by a notice in the *Gazette* under section 18(1).

(6) Any land that, immediately before the commencement of this Act,—

(a) was State forest land dedicated under section 15(ba) of the Forests Act 1949 as an ecological area; and

(b) was not shown on any plan lodged in the office of the Chief Surveyor for the land district in which it is situated (being a plan certified as correct for the purposes of section 24 of the State-Owned Enterprises Act 1986 by the Chief Surveyor) as being allocated for possible transfer to a State enterprise,—

shall, until it—

(c) is declared to be held for conservation purposes under section 7(1); or

(d) is vested in a State enterprise under the said section 24,—

be deemed to be an ecological area.

(6A) Nothing in subsection (6) applies to any land that, immediately before the commencement of the Crown Forest Assets Act 1989, was shown as being allocated to New Zealand Forestry Corporation Limited on record plans lodged in the office of the Chief Surveyor for the land district in which the land is situated.

(6B) Land of the kind referred to in subsection (6A) that has, before the commencement of the Crown Forest Assets Act 1989, been declared to be held for conservation purposes under section 7(1), shall, with effect from the commencement of that Act, be deemed not to have been declared to be held for those purposes.

(7) When any land to which subsection (6) applies is declared to be held for conservation purposes under section 7(1), it shall be deemed to have been declared to be held for the purpose of an ecological area by a notice in the *Gazette* under section 18(1).

(8) All land to which subsection (6) applies, for so long as it is required to be managed as if it is an ecological area or is deemed to be an ecological area, shall be managed so as to protect—

(a) the value or values for which it was dedicated under section 15(ba) of the Forests Act 1949, if any such value was specified at the time; or

(b) for its ecological value, in every other case.

(9) Until it is—

(a) declared to be held for conservation purposes under section 7(1); or

(b) vested in a State enterprise under section 24 of the State-Owned Enterprises Act 1986,—

all land that is deemed by this section to be a conservation park, a wilderness area, or an ecological area shall be deemed to be held under this Act for conservation purposes; but neither it nor any interest in it shall be disposed of except by vesting as aforesaid.

(10) Nothing in subsection (9) restricts or prevents the granting under this Act of a concession over any land.

Section 61(2): amended, on 30 July 1988, by section 2(3) of the Conservation Amendment Act 1988 (1988 No 131).

Section 61(2)(d): substituted, on 30 July 1988, by section 2(3) of the Conservation Amendment Act 1988 (1988 No 131).

Section 61(2A): inserted, on 25 October 1989, by section 44(2) of the Crown Forest Assets Act 1989 (1989 No 99).

Section 61(2B): inserted, on 25 October 1989, by section 44(2) of the Crown Forest Assets Act 1989 (1989 No 99).

Section 61(4): amended, on 30 July 1988, by section 2(4) of the Conservation Amendment Act 1988 (1988 No 131).

Section 61(4)(d): substituted, on 30 July 1988, by section 2(4) of the Conservation Amendment Act 1988 (1988 No 131).

Section 61(6): amended, on 30 July 1988, by section 2(5) of the Conservation Amendment Act 1988 (1988 No 131).

Section 616(d): substituted, on 30 July 1988, by section 2(5) of the Conservation Amendment Act 1988 (1988 No 131).

Section 61(6A): inserted, on 25 October 1989, by section 44(3) of the Crown Forest Assets Act 1989 (1989 No 99).

Section 61(6B): inserted, on 25 October 1989, by section 44(3) of the Crown Forest Assets Act 1989 (1989 No 99).

Section 61(9): added, on 30 July 1988, by section 2(6) of the Conservation Amendment Act 1988 (1988 No 131).

Section 61(10): added, on 30 July 1988, by section 2(6) of the Conservation Amendment Act 1988 (1988 No 131).

Section 61(10): amended, on 1 July 1996, by section 42 of the Conservation Amendment Act 1996 (1996 No 1).

62 Certain land to be managed as if it is stewardship area

(1) Any land or foreshore that,—

(a) immediately before the commencement of this Act was State forest land or Crown land; and

(b) was not then a forest sanctuary, forest park, ecological area, or wilderness area; and

(c) is land or foreshore that the Minister, and the Minister responsible for a department or agency of State that then had control of it, have agreed should be held for conservation purposes; and

(d) is identified for the purposes of this section on plans lodged in the office of the Chief Surveyor for the land district in which the land or foreshore is situated (being plans certified as correct for the purposes of this section by that Chief Surveyor),—

shall, until it is declared under section 7(1) to be held for conservation purposes, be deemed to be held under this Act for conservation purposes; but neither it nor any interest in it shall be disposed of.

(2) Nothing in subsection (1) restricts or prevents the granting under this Act of a concession over any land.

Section 62(1): amended, on 30 July 1988, by section 2(7) of the Conservation Amendment Act 1988 (1988 No 131).

Section 62(2): added, on 30 July 1988, by section 2(8) of the Conservation Amendment Act 1988 (1988 No 131).

Section 62(2): amended, on 1 July 1996, by section 43 of the Conservation Amendment Act 1996 (1996 No 1).

63 Certain land may become protected area without public notification

(1) Notwithstanding section 18(2), where—

(a) before the commencement of this Act, the Minister of Lands (in respect of any Crown land) or the Minister of Forests (in respect of any State forest land) has approved in writing that any specified Crown land or State forest land should become an ecological area, an amenity area, or a wilderness area after 1 April 1987; and

(b) that land has subsequently become a conservation area,—

the Minister may, under section 18(1), declare the land to be held for any of the purposes specified in that subsection without giving public notice of intention to do so.

(2) The Minister may, by notice in the *Gazette*, declare that any land—

(a) identified in the first column of Schedule 4 for protection as an ecological area, amenity reserve, wildlife corridor, or wildlife management reserve; and

(b) held and managed as a conservation area under section 7 or section 61 or section 62 or as a reserve under the Reserves Act 1977—

is held for the purpose of an ecological area under section 21 or an amenity area under section 23A or a wildlife management area under section 23B; and, subject to this Act, it shall thereafter be so held and, in the case of any land that was a reserve under the Reserves Act 1977, the reservation of the land as a reserve shall thereupon be deemed to have been revoked in accordance with that Act.

(3) The purpose for which any land identified in Schedule 4 is held shall be as specified in the third column of that schedule.

(4) Where any boundary of any land is identified in any document referred to in the fourth column of Schedule 4, the boundary identified in the document shall be conclusive for the purposes of this Act.

(5) Where any boundary of any land is not identified in any document referred to in the fourth column in Schedule 4, the Minister shall describe the land in the notice given under this section after having regard,—

(a) in the case of any land identified as Category A in Appendix C of the Final Report of the West Coast Forests Working Party dated 31 October 1986, to the maps contained or referred to in that report:

(b) in the case of any land identified as Category B in the said Appendix C, to the maps contained or referred to in the discussion document dated 17 January 1987 issued pursuant to the said Final Report by the Acting Director-General of Forests.

(6) If the boundary of any land cannot be identified in accordance with subsection (4) or subsection (5), the Minister shall, after consultation with such persons or organisations as the Minister considers appropriate, describe the land in the notice given under this section after having regard to such documents as he or she considers appropriate.

(7) Notwithstanding subsections (4), (5), and (6), the Minister may, by notice in the *Gazette*, make any necessary or practical or appropriate adjustments to the description of any land under this section.

(8) Where any land identified in Schedule 4 is identified as an extension to any existing land held for a special purpose under Part 4, the Minister may, by

notice in the *Gazette*, add the land identified in that schedule to the existing land.

(9) Notwithstanding section 18(2), the Minister may make a declaration under subsection (2) without giving public notice of the intention to declare the land as being held for the proposed purpose.

Section 63(2): added, on 13 March 1996, by section 44 of the Conservation Amendment Act 1996 (1996 No 1).

Section 63(3): added, on 13 March 1996, by section 44 of the Conservation Amendment Act 1996 (1996 No 1).

Section 63(4): added, on 13 March 1996, by section 44 of the Conservation Amendment Act 1996 (1996 No 1).

Section 63(5): added, on 13 March 1996, by section 44 of the Conservation Amendment Act 1996 (1996 No 1).

Section 63(6): added, on 13 March 1996, by section 44 of the Conservation Amendment Act 1996 (1996 No 1).

Section 63(7): added, on 13 March 1996, by section 44 of the Conservation Amendment Act 1996 (1996 No 1).

Section 63(8): added, on 13 March 1996, by section 44 of the Conservation Amendment Act 1996 (1996 No 1).

Section 63(9): added, on 13 March 1996, by section 44 of the Conservation Amendment Act 1996 (1996 No 1).

64 Existing leases, licences, etc

(1) In this section, **existing incumbrance** means a lease, licence, permit, or tenancy, granted or issued under the Land Act 1948 or any former Land Act within the meaning of that Act.

(2) Where a conservation area was subject to an existing incumbrance immediately before becoming a conservation area,—

(a) it shall be subject to the incumbrance on becoming a conservation area; and

(b) the provisions of the Land Act 1948 specified in subsection (3) shall apply to the incumbrance, its application to the area, and every present or former lessee, licensee, permittee, and tenant, as if every reference in those provisions to the Commissioner of Crown Lands, the Land Settlement Board, the Board, or the Department, is a reference to the Director-General.

(3) The provisions concerned are sections 18, 50, 50A to 50F, 56, 60, 60A, 60B, 65, 67(1), 67(2), 67(4), 68 to 69, 81 to 105, 111 to 115, 121 to 126, 127, 131 to 151, 153 to 158, 160, 164A, 164B, 170 to 171, 174, and 183.

(4) Where, at the commencement of this subsection, any person has under a lease or licence of any land of the Crown a right to acquire the freehold title for that land, the following provisions shall apply:

(a) that person may, subject to the provisions of the lease or licence under which the right is conferred, exercise that right at any time during the currency of the lease or licence:

(b) the exercise of that right shall not constitute a disposition for the purposes of section 16 or Part 4A.

(4A) Where a lessee or licensee of any land vested in Landcorp Farming Limited, being land that was acquired from the Crown, exercises under that person's lease or licence a right to acquire the freehold title for that land, the exercise of that right shall not constitute a disposition for the purposes of section 16 or Part 4A.

(5) Where the freehold title of any land referred to in subsection (4A) is transferred to the lessee or licensee of the land pursuant to the exercise of a right to acquire that title, the Registrar-General of Land or the Chief Surveyor shall, without fee,—

(a) remove from the record of title, or proper plans and records, of the land any record or notation made in accordance with subsection (1) or subsection (2) of section 24D; and

(b) remove from any such proper plans any reference to the marginal strip formerly reserved in respect of the land.

Section 64(4): substituted, on 10 April 1990, by section 33 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 64(4)(b): amended, on 13 March 1996, by section 45(1)(a) of the Conservation Amendment Act 1996 (1996 No 1).

Section 64(4A): inserted, on 10 April 1990, by section 33 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 64(4A): amended, on 12 April 2001, by clause 4 of the State-Owned Enterprises (Landcorp Farming Limited) Order 2001 (SR 2001/23).

Section 64(4A): amended, on 13 March 1996, by section 45(1)(a) of the Conservation Amendment Act 1996 (1996 No 1).

Section 64(4A): amended, on 13 March 1996, by section 45(1)(b) of the Conservation Amendment Act 1996 (1996 No 1).

Section 64(5): added, on 13 March 1996, by section 45(2) of the Conservation Amendment Act 1996 (1996 No 1).

Section 64(5): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 64(5)(a): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

64A Agreed exchanges to proceed

Where, immediately before the commencement of this Act, there was in existence an executed written agreement between the Crown and the owner of any private land for the exchange of any land that was then Crown land or State forest land and all or any part of the private land, the Director-General may, without complying with any provision of this Act (other than section 50(2)),

take all steps necessary to enable the transfer to the person of any part of the former Crown land or State forest land that is a conservation area.

Section 64A: inserted, on 21 December 1988, by section 4(1) of the Conservation Amendment Act (No 2) 1988 (1988 No 237).

64B Powers under forestry and Crown leases, etc, exercisable by Minister or Director-General

(1) This section shall apply to—

(a) land in any conservation area:

(b) land to which section 61 applies:

(c) land to which section 62 applies.

(2) Subject to subsection (3), the Minister or the Director-General may exercise any power that—

(a) is conferred by any provision in any lease, licence, permit, consent, or other authority for the time being in force in respect of any land to which this section applies; and

(b) at the time it was conferred was expressed to be exercisable by—

(i) the Minister of Forests; or

(ii) the Minister of Lands; or

(iii) the Director-General of Forests, or any other specified office holder in the New Zealand Forest Service; or

(iv) the chief executive of the Department within the meaning of section 2 of the Survey Act 1986, or any other specified office holder of that department; and

(c) would have been exercisable by one of the persons referred to in paragraph (b), on 31 March 1987.

(3) The Minister or the Director-General, as the case may be, shall consult the Minister of Energy before exercising any such power if it relates to or affects any mining privilege.

(4) Where a lease, licence, permit, consent, or other authority contains a power to which subsection (2) applies, the Minister may take all necessary proceedings—

(a) to enforce any conditions of the lease, licence, permit, consent, or other authority:

(b) in respect of breaches of the conditions:

(c) in respect of any act or omission contrary to the terms upon which the lease, licence, permit, consent, or other authority was granted.

(5) Notwithstanding section 32(1) of the State-Owned Enterprises Act 1986 but subject to subsections (2) and (3), every lease, licence, permit, consent, and other authority granted under the Forests Act 1949 in respect of any land to

which this section applies, that is for the time being in force, shall have effect and be construed as if sections 14, 30, 33, 36, 37, and 40 to 44 of the Forests Act 1949 were still in force; and every such authority shall be deemed to have had such effect on and from 1 April 1987 and shall be construed accordingly.

Section 64B: inserted, on 10 April 1990, by section 34 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 64B(2)(b)(iv): substituted, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

65 Amendments and savings

(1) The enactments specified in Schedule 2 are hereby amended in the manner indicated in that schedule.

(2) The Governor-General may, by Order in Council, amend any local or private Act so as to achieve all or any of the following ends:

(a) the substitution of references to the Minister of Conservation for references to the Minister of Agriculture, the Minister of Agriculture and Fisheries, the Minister of Fisheries, the Minister of Forests, the Minister of Internal Affairs, the Minister of Lands, the Minister of Marine, the Minister of Transport, the Land Settlement Board, or any Commissioner of Crown Lands:

(b) the substitution of references to the Director-General of Conservation for references to the Director-General of Agriculture, the Director-General of Agriculture and Fisheries, the Director-General of Forests, the Secretary for Internal Affairs, the Under-Secretary of Internal Affairs, the Director-General of Lands, the Secretary for Marine, the Secretary for Transport, the Land Settlement Board, or any Commissioner of Crown Lands:

(c) the substitution of references to the Department of Conservation for references to the Ministry of Agriculture and Fisheries, the Department of Agriculture, the New Zealand Forest Service, the Department of Internal Affairs, the Marine Department, the Ministry of Transport, the Transport Department, or the Department within the meaning of section 2 of the Survey Act 1986.

(3) The regulations specified in Schedule 3 are hereby amended in the manner indicated in that schedule.

(4) The regulations specified in Schedule 3 may be amended or revoked as if the amendments specified in that schedule had been effected by regulation and not by this Act.

(5) The State Forest Parks and Forest Recreation Regulations 1979 are hereby deemed to have been made under section 48, and may be amended or revoked accordingly.

(6) After the commencement of this Act, the Titi (Muttonbird) Islands Regulations 1978 shall have effect as if made under this Act, and may be amended or revoked accordingly.

(7) After the commencement of this Act, every reference in—

(a) any regulation, order, Proclamation, notice, rule, notification, certificate, agreement, deed, instrument, application, licence, authority, permit or other document whatsoever made, given, issued, granted, or entered into pursuant to, by, or under the Wildlife Act 1953 or any former corresponding enactment; or

(b) *[Repealed]*

(c) any District Anglers Notice given pursuant to section 71 of the Fisheries Act 1983;—

to the Minister of, Secretary for, or Department of Internal Affairs shall be read as a reference to the Minister, Director-General, or, as the case may be, Department of Conservation.

(8) After the commencement of this Act, references in any bylaws made under section 56 of the National Parks Act 1980 to the Department of Lands and Survey or to the Commissioner of Crown Lands shall be read as references to the Department of Conservation or to the Director-General of Conservation, respectively.

(9), (10) *Amendment(s) incorporated in the order(s)*.

(11) The orders specified in subsections (9) and (10) may be amended or revoked as if the amendments effected by those subsections had been effected by Order in Council made under section 165 of the Harbours Act 1950.

(12) The following provisions shall apply in respect of every management plan approved under any former Act in relation to the management of any area that, on or after the commencement of this Act, became or becomes a conservation area or an area subject to section 61 or section 62:

(a) except to the extent that it is inconsistent with this Act, every such plan shall have effect as if it were a conservation management plan:

(b) any such plan may be replaced under this Act by a conservation management plan prepared under this Act:

(c) any such plan or any part of any such plan that is inconsistent with any provision of this Act may, with the agreement of the appropriate Conservation Board, be declared by the Minister to have been withdrawn; and any plan or part declared to have been withdrawn under this paragraph shall cease to have effect:

(d) where the objectives of any such plan are generally consistent with this Act, and the Director-General and the appropriate Conservation Board agree, the plan may be reviewed under section 17H or amended under section 17I.

(13) Where there was in force immediately before the commencement of this Act any licence, permit, approval, or consent under the Harbours Act 1950 that, if granted, issued, or given, after that commencement, would have had to be granted, issued, or given by—

(a) the Minister; or

(b) the Minister and the Minister of Transport jointly; or

(c) the Minister of Transport on the recommendation of the Minister; or

(d) the Minister of Transport after consultation with the Minister; or

(e) the Minister after consultation with the Minister of Transport,—

it shall continue in force as if so granted, issued, or given, and may be amended, revoked, or renewed, accordingly.

(14) Notwithstanding the repeal or amendment of any provision in the Marine Farming Act 1971, the validity, invalidity, effect, or consequences of any thing already done or suffered in respect of any licence, permit, approval, or consent under that Act, shall not be affected:

provided that any change in requirements as to any consent, renewal, amendment, or any other such matter relating thereto and either provided for by this Act or occurring on or after 1 April 1987 shall be deemed to apply to such licences, permits, approvals, or consents under the Marine Farming Act 1971 as appropriate.

(15) An order under subsection (2) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 65(2)(c): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Section 65(5): substituted, on 10 April 1990, by section 35(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 65(7)(b): repealed, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 65(12): substituted, on 10 April 1990, by section 35(2) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 65(14): added (with effect on 1 April 1987), on 2 July 1987, by section 11(1) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

Section 65(15): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Schedule 1AA
Transitional, savings, and related provisions

s 3A

Schedule 1AA: inserted, on 18 October 2017, by section 205 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Part 1
Provisions relating to Part 4 of Resource Legislation Amendment Act 2017

1 Pending applications for concessions

(1) All pending applications for a concession under section 17R must be dealt with and determined as if this Act had not been amended by Part 4 of the Resource Legislation Amendment Act 2017.

(2) In this clause, an application is **pending** if it was received by the Minister before the commencement of Part 4 of the Resource Legislation Amendment Act 2017 and, as at that commencement, it had not been finally determined.

Part 2
Provisions relating to Conservation (Indigenous Freshwater Fish) Amendment Act 2019

Schedule 1AA Part 2: inserted, on 22 October 2019, by section 17 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

2 Interpretation

In this Part, **commencement date** means the commencement date of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019.

Schedule 1AA clause 2: inserted, on 22 October 2019, by section 17 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

3 Taking of fish in accordance with prior authorisations not affected

Section 26ZHB does not affect the taking of fish by a person in accordance with an authorisation or permit that was granted under this Act before the commencement date and that is still in force.

Schedule 1AA clause 3: inserted, on 22 October 2019, by section 17 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

4 Application of section 26ZHB(1) to whitebait fishing in conservation areas delayed

(1) Until the date that the first notice under section 26ZHD authorising the taking of whitebait comes into force, section 26ZHB(1) does not apply to a person who fishes for whitebait from a conservation area in accordance with the

Whitebait Fishing Regulations 1994 or Whitebait Fishing (West Coast) Regulations 1994.

(2) The notice described in subclause (1) must not come into force on a date earlier than 2 years after the commencement date.

Schedule 1AA clause 4: inserted, on 22 October 2019, by section 17 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

5 Application of section 26ZHB to taking of fish in compliance with consent under Resource Management Act 1991

Section 26ZHB does not affect a person who takes freshwater fish in order to comply with a condition of a consent that was granted under the Resource Management Act 1991 before the commencement date, if before that date, the person was not required to obtain any kind of authorisation or permit under this Act to take the fish.

Schedule 1AA clause 5: inserted, on 22 October 2019, by section 17 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

6 Application of regulations made under section 48A(1)(na) to existing hydroelectricity dams

Regulations made under section 48A(1)(na) do not apply to any hydroelectricity dams constructed before the commencement date except where those regulations impose requirements that relate to the maintenance of any structure that could impede or affect the passage of freshwater fish or specified freshwater fish.

Schedule 1AA clause 6: inserted, on 22 October 2019, by section 17 of the Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55).

Schedule 1
Other enactments administered by Department

s 6

Canterbury Provincial Buildings Vesting Act 1928

Game Animal Council Act 2013

Harbour Boards Dry Land Endowment Revesting Act 1991

Kapiti Island Public Reserve Act 1897

Lake Wanaka Preservation Act 1973

Marine Mammals Protection Act 1978

Marine Reserves Act 1971

National Parks Act 1980

Native Plants Protection Act 1934

Ngāi Tahu (Tūtaepatu Lagoon Vesting) Act 1998

Queen Elizabeth the Second National Trust Act 1977

Queenstown Reserves Vesting and Empowering Act 1971

Reserves Act 1977

Stewart Island Reserves Empowering Act 1976

Sugar Loaf Islands Marine Protected Area Act 1991

Te Ture Whakatupua mō Te Kāhui Tupua 2025/the Taranaki Maunga Collective Redress Act 2025

Trade in Endangered Species Act 1989

Tutae-Ka-Wetoweto Forest Act 2001

Waitangi Endowment Act 1932–33

Waitangi National Trust Board Act 1932

Waitutu Block Settlement Act 1997

West Coast Wind-blown Timber (Conservation Lands) Act 2014

Wild Animal Control Act 1977

Wildlife Act 1953

Schedule 1: amended, on 2 February 2025, by section 127 of the Te Ture Whakatupua mō Te Kāhui Tupua 2025/Taranaki Maunga Collective Redress Act 2025 (2025 No 1).

Schedule 1: amended, on 3 July 2014, by section 21 of the West Coast Wind-blown Timber (Conservation Lands) Act 2014 (2014 No 48).

Schedule 1: amended, on 28 November 2013, by section 41(2) of the Game Animal Council Act 2013 (2013 No 98).

Schedule 1: amended, on 7 July 2010, by section 7 of the Conservation Amendment Act (No 2) 2010 (2010 No 54).

Schedule 1: amended, on 30 September 2008, by section 82 of the Walking Access Act 2008 (2008 No 101).

Schedule 1: amended, on 25 November 2004, by section 103(1) of the Foreshore and Seabed Act 2004 (2004 No 93).

Schedule 1: amended, on 22 October 2003, by section 4 of the Conservation Amendment Act 2003 (2003 No 65).

Schedule 1: amended, on 9 October 2001, by section 14 of the Tutae-Ka-Wetoweto Forest Act 2001 (2001 No 48).

Schedule 1: amended, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

Schedule 1: amended, on 1 June 1998, by section 15 of the Ngāi Tahu (Tūtaepatu Lagoon Vesting) Act 1998 (1998 No 16).

Schedule 1: amended, on 21 December 1997, by section 18 of the Waitutu Block Settlement Act 1997 (1997 No 84).

Schedule 1: amended, on 1 July 1993, by section 118(2) of the Historic Places Act 1993 (1993 No 38).

Schedule 1: amended, on 3 October 1991, by section 14 of the Harbour Boards Dry Land Endowment Revesting Act 1991 (1991 No 104).

Schedule 1: amended, on 21 March 1991, by section 12 of the Sugar Loaf Islands Marine Protected Area Act 1991 (1991 No 8).

Schedule 1: amended, on 19 July 1990, by section 38 of the Conservation Law Reform Act 1990 (1990 No 31).

Schedule 1: amended, on 10 April 1990, by section 31(1) of the New Zealand Walkways Act 1990 (1990 No 32).

Schedule 1: amended, on 1 June 1989, by section 55 of the Trade in Endangered Species Act 1989 (1989 No 18).

Schedule 2
Enactments amended

s 65(1)

Agricultural Pests Destruction Act 1967 (1967 No 147)
Amendment(s) incorporated in the Act(s).

Agricultural Pests Destruction Amendment Act 1974 (1974 No 62)
Amendment(s) incorporated in the Act(s).

Canterbury Provincial Buildings Vesting Act 1928 (1928 No 38)
Amendment(s) incorporated in the Act(s).

Coal Mines Act 1979 (1979 No 21)
Amendment(s) incorporated in the Act(s).

Fencing Act 1978 (1978 No 50)
Amendment(s) incorporated in the Act(s).

Fire Service Act 1975 (1975 No 42)
Amendment(s) incorporated in the Act(s).

Fisheries Act 1983 (1983 No 14)
Amendment(s) incorporated in the Act(s).

Forest and Rural Fires Act 1977 (1977 No 52)
Amendment(s) incorporated in the Act(s).

Harbours Act 1950 (1950 No 334)
Amendment(s) incorporated in the Act(s).

Hauraki Gulf Maritime Park Act 1967 (1967 No 131)
Amendment(s) incorporated in the Act(s).

Historic Places Act 1980 (1980 No 16)
Amendment(s) incorporated in the Act(s).

Hunter Gift for the Settlement of Discharged Soldiers Act 1921 (1921 No 12)
Amendment(s) incorporated in the Act(s).

Kapiti Island Public Reserve Act 1897 (1897 No 28)
Amendment(s) incorporated in the Act(s).

Lake Wanaka Preservation Act 1973 (1973 No 107)

Amendment(s) incorporated in the Act(s).

Land Act 1948 (1948 No 64)

Amendment(s) incorporated in the Act(s).

Land Settlement Promotion and Land Acquisition Act 1952 (1952 No 34)

Amendment(s) incorporated in the Act(s).

Land Transfer Act 1952 (1952 No 52)

Amendment(s) incorporated in the Act(s).

Litter Act 1979 (1979 No 41)

Amendment(s) incorporated in the Act(s).

Local Government Act 1974 (1974 No 66)

Amendment(s) incorporated in the Act(s).

Manapouri-Te Anau Development Act 1963 (1963 No 23)

Amendment(s) incorporated in the Act(s).

Maori Affairs Act 1953 (1953 No 94)

Amendment(s) incorporated in the Act(s).

Maori Housing Amendment Act 1938 (1938 No 17)

Amendment(s) incorporated in the Act(s).

Maori Land Amendment and Maori Land Claims Adjustment Act 1926 (1926 No 64)

Amendment(s) incorporated in the Act(s).

Maori Purposes Act 1960 (1960 No 120)

Amendment(s) incorporated in the Act(s).

Maori Reserved Land Act 1955 (1955 No 38)

Amendment(s) incorporated in the Act(s).

Marine Farming Act 1971 (1971 No 29)

Amendment(s) incorporated in the Act(s).

Marine Mammals Protection Act 1978 (1978 No 80)

Amendment(s) incorporated in the Act(s).

Marine Reserves Act 1971 (1971 No 15)
Amendment(s) incorporated in the Act(s).

Mining Act 1971 (1971 No 25)
Amendment(s) incorporated in the Act(s).

Mining Tenures Registration Act 1962 (1962 No 48)
Amendment(s) incorporated in the Act(s).

Ministry of Agriculture and Fisheries Act 1953 (1953 No 7)
Amendment(s) incorporated in the Act(s).

Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3)
Amendment(s) incorporated in the Act(s).

Ministry of Transport Amendment Act 1972 (1972 No 4)
Amendment(s) incorporated in the Act(s).

Mount Egmont Vesting Act 1978 (1978 No 38)
Amendment(s) incorporated in the Act(s).

National Parks Act 1980 (1980 No 66)
Amendment(s) incorporated in the Act(s).

Nature Conservation Council Act 1962 (1962 No 24)
Amendment(s) incorporated in the Act(s).

New Zealand Walkways Act 1975 (1975 No 31)
Amendment(s) incorporated in the Act(s).

Noxious Plants Act 1978 (1978 No 15)
Amendment(s) incorporated in the Act(s).

Petroleum Act 1937 (1937 No 27)
Amendment(s) incorporated in the Act(s).

Public Works Act 1981 (1981 No 35)
Amendment(s) incorporated in the Act(s).

Queen Elizabeth the Second National Trust Act 1977 (1977 No 102)
Amendment(s) incorporated in the Act(s).

Queenstown Reserves Vesting and Empowering Act 1971 (1971 No 14 (L))
Amendment(s) incorporated in the Act(s).

Reserves Act 1977 (1977 No 66)
Amendment(s) incorporated in the Act(s).

Reserves and Other Lands Disposal Act 1954 (1954 No 58)
Amendment(s) incorporated in the Act(s).

Reserves and Other Lands Disposal Act 1956 (1956 No 53)
Amendment(s) incorporated in the Act(s).

Reserves and Other Lands Disposal Act 1971 (1971 No 141)
Amendment(s) incorporated in the Act(s).

Rotorua Town Lands Act 1920 (1920 No 57)
Amendment(s) incorporated in the Act(s).

Sand Drift Act 1908 (1908 No 169)
Amendment(s) incorporated in the Act(s).

State-Owned Enterprises Act 1986 (1986 No 124)
Amendment(s) incorporated in the Act(s).

Town and Country Planning Act 1977 (1977 No 121)
Amendment(s) incorporated in the Act(s).

Waitangi Endowment Act 1932–33 (1932–33 No 44)
Amendment(s) incorporated in the Act(s).

Water and Soil Conservation Act 1967 (1967 No 135)
Amendment(s) incorporated in the Act(s).

Wild Animal Control Act 1977 (1977 No 111)
Amendment(s) incorporated in the Act(s).

Wildlife Act 1953 (1953 No 31)
Amendment(s) incorporated in the Act(s).

Schedule 3
Consequential amendments to regulations

s 65

Buller River Mouth Wildlife Refuge Order 1973 (SR 1973/272)

Amendment(s) incorporated in the order(s).

Central North Island Wildlife Conservancy Council Regulations 1980 (SR 1980/48)

Amendment(s) incorporated in the regulations.

Chatham Islands (Wildlife) Notice 1977 (SR 1977/106)

Amendment(s) incorporated in the notice(s).

Council of North Island Acclimatisation Societies Regulations 1959 (SR 1959/73)

Amendment(s) incorporated in the regulations.

Council of South Island Acclimatisation Societies Regulations 1978 (SR 1978/281)

Amendment(s) incorporated in the regulations.

Freshwater Fish Farming Regulations 1983 (SR 1983/278)

Amendment(s) incorporated in the regulations.

Freshwater Fisheries Regulations 1983 (SR 1983/277)

Amendment(s) incorporated in the regulations.

Hart's Creek Wildlife Refuge Order 1973 (SR 1973/273)

Amendment(s) incorporated in the order(s).

Hawksbury Lagoon Wildlife Refuge Order 1974 (SR 1974/28)

Amendment(s) incorporated in the order(s).

Lake Grasmere Wildlife Refuge Order 1968 (SR 1968/145)

Amendment(s) incorporated in the order(s).

Lake Rotomahana Wildlife Refuge Order 1967 (SR 1967/198)

Amendment(s) incorporated in the order(s).

Lake Rotorua (Motutara) Wildlife Refuge Order 1967 (SR 1967/53)

Amendment(s) incorporated in the order(s).

Lakes Orakai, Tutira, and Waikopiro Wildlife Refuge Order 1973 (SR 1973/274)

Amendment(s) incorporated in the order(s).

Land Act Regulations 1949 (SR 1949/37)
Amendment(s) incorporated in the regulations.

Little Shag Notice 1955 (SR 1955/181)
Amendment(s) incorporated in the notice(s).

Taupo Fishing Regulations 1984 (SR 1984/347)
Amendment(s) incorporated in the regulations.

Titi (Muttonbird) Island Regulations 1978 (SR 1978/59)
Amendment(s) incorporated in the regulations.

Wildlife Regulations 1955 (SR 1962/199)
Amendment(s) incorporated in the regulations.

Wildlife Sanctuary (Aldermen Islands) Order 1965 (SR 1965/181)
Amendment(s) incorporated in the order(s).

Wildlife Sanctuary (the Brothers Islands) Order 1970 (SR 1970/87)
Amendment(s) incorporated in the order(s).

Wildlife Sanctuary (Gannet Island) Order 1980 (SR 1980/90)
Amendment(s) incorporated in the order(s).

Wildlife Sanctuary (Karewa Island) Order 1965 (SR 1965/182)
Amendment(s) incorporated in the order(s).

Wildlife Sanctuary (Mokohinau Islands) Order 1965 (SR 1965/183)
Amendment(s) incorporated in the order(s).

Wildlife Sanctuary (Motunau Island) Order 1969 (SR 1969/165)
Amendment(s) incorporated in the order(s).

Wildlife Sanctuary (Otamatou Rocks) Order 1965 (SR 1965/184)
Amendment(s) incorporated in the order(s).

Wildlife Sanctuary (Stephens Island) Order 1966 (SR 1966/63)
Amendment(s) incorporated in the order(s).

Wildlife Sanctuary, Sulphur Point, Lake Rotorua Order 1964 (SR 1964/201)
Amendment(s) incorporated in the order(s).

Wildlife Sanctuary (Taiaroa Head Foreshore) Order 1979 (SR 1979/146)
Amendment(s) incorporated in the order(s).

Wildlife Sanctuary (Trio Islands) Order 1965 (SR 1965/185)

Amendment(s) incorporated in the order(s).

Wildlife Sanctuary (Whangamata Islands) Order 1976 (SR 1976/301)

Amendment(s) incorporated in the order(s).

Wildlife Sanctuary (White Rocks, Duffers Reef, and Sentinel Rock) Order 1966 (SR 1966/131)

Amendment(s) incorporated in the order(s).

Schedule 4
Land that may be protected area

s 63

Schedule 4: added, on 13 March 1996, by section 46 of the Conservation Amendment Act 1996 (1996 No 1).

Schedule 4 heading: substituted, on 21 October 2000, by section 22 of the Forests (West Coast Accord) Act 2000 (2000 No 45).

Schedule 4 heading: editorial change made by the PCO, on 12 March 2026, under sections 86(1) and 87(l)(iii) of the Legislation Act 2019 (2019 No 58).

Land	Category A or B	Proposed purpose	Boundary documents
Ngakawau Ecological Area and two extensions	Ngakawau Ecological Area: Category A Two extensions: Category B	Ecological Area	SO Plan 15258, Nelson Land District
Rahui Ecological Area	Category A	Ecological Area	
Upper Orikaka Ecological Area	Category A	Ecological Area	
Mid Orikaka Ecological Area	Category B	Ecological Area	SO Plan 14749, Nelson Land District or SO Plan 15014, Nelson Land District, where any difference in the boundaries exists between those plans, and additional areas referred to in the Final Report of the West Coast Forests Working Party
Radcliffe Ecological Area	Category A	Ecological Area	
Atbara-Nile Ecological Area	Category A	Ecological Area	
Deep Creek Extension Ecological Area	Category A	Ecological Area	
Bywash Pakihi Ecological Area	Category A	Ecological Area	SO Plan 11627, Westland Land District
Flagstaff Extension Ecological Area	Category A	Ecological Area	
Ahaura River East Amenity Reserve	Category A	Amenity Area	
Lake Hanlon Amenity Reserve	Category A	Amenity Area	
Karamea Bluff Ecological Area	Category A	Ecological Area	Preliminary Report of the West Coast Forests Working Party, including the area shown as "possible addition"
Lake Haupiri Amenity Reserve	Category A	Amenity Area	
Hochstetter Extension Ecological Area	Category A	Ecological Area	SO Plan 11631, Westland Land District

Land	Category A or B	Proposed purpose	Boundary documents
Lake Hochstetter Amenity Reserve	Category A	Amenity Area	SO Plan 12260, Westland Land District
Unnamed (Ahaura River) Amenity Reserve	Category A	Amenity Area	
Unnamed (Lake Ahaura) Amenity Reserve Extension	Category A	Amenity Area	
Nelson Creek Amenity Reserve	Category A	Amenity Area	
Ahaura Terrace Ecological Area	Category A	Ecological Area	SO Plan 11630, Westland Land District
Otututu Ecological Area	Category A	Ecological Area	
Otututu Valley Amenity Reserve	Category A	Amenity Area	
Craigieburn Amenity Reserve	Category A	Amenity Area	
Moonlight Ecological Area	Category A	Ecological Area	
Mount Harata Ecological Area	Category A	Ecological Area	SO Plan 11618, Westland Land District
Ahaura Road Amenity Reserve	Category A	Amenity Area	SO Plan 12265, Westland Land District
Wildlife Corridor (in Hochstetter State Forest)	Category A	Wildlife Management Area	SO Plan 12261, Westland Land District
Wildlife Corridor (in Granville State Forest)	Category A	Wildlife Management Area	S.O.Plan 12266, Westland Land District
Wildlife Corridor (in Victoria Forest Park)	Category A	Wildlife Management Area	SO Plan 15268, Nelson Land District
Unnamed Wildlife Corridor (Hukawai)	Category A	Wildlife Management Area	SO Plan 15273, Nelson Land District
Wildlife Corridor (in Te Wharau State Forest)	Category A	Wildlife Management Area	Final Report of the West Coast Forests Working Party excluding the Te Wharau Ecological Area
Unnamed (Coal Creek) Wildlife Corridor	Category A	Wildlife Management Area	Area “D” SO Plan 15270, Nelson Land District
Unnamed (Fletcher Creek) Wildlife Corridor	Category A	Wildlife Management Area	Area “C” SO Plan 15262, Nelson Land District
Coal Creek Extension Ecological Area	Category A	Ecological Area	Areas “A” and “B” SO Plan 15270, Nelson Land District
Deep Creek Amenity Reserve	Category A	Amenity Area	SO Plan 15269, Nelson Land District

Land	Category A or B	Proposed purpose	Boundary documents
Big River Extension Ecological Area	Category A	Ecological Area	Areas "A" and "C" SO Plan 14756, Nelson Land District, excluding areas within grazing licence 293, or SO Plan 15022 and LT Plan 15127, Nelson Land District where any difference in the boundaries exists between SO Plan 14756 and the other plans
Maruia West Bank Ecological Area	Category A	Ecological Area	
Maruia East and Rappahannock Ecological Area	Category A	Amenity Area	
Deepdale Ecological Area	Category A	Ecological Area	SO Plan 14751, Nelson Land District
Slab Hut Pakihi Ecological Area	Category A	Ecological Area	SO Plan 15272, Nelson Land District
Te Wharau Ecological Area	Category A	Ecological Area	SO Plan 14754, Nelson Land District
Fletcher Creek Extension Ecological Area	Category A	Ecological Area	Areas "A" and "B" SO Plan 15262, Nelson Land District
Card Creek Extension Ecological Area	Category A	Ecological Area	SO Plan 12258, Westland Land District
New River Amenity Reserve	Category A	Ecological Area	
Unnamed (Larry's Creek) Amenity Reserve	Category A	Amenity Area	
Inangahua West Amenity Reserve	Category A	Amenity Area	Where no information on maps contained in the Final Report of the West Coast Forests Working Party, the maps contained in the Preliminary Report apply
Greenstone Extension Ecological Area	Category A	Ecological Area	
Mitchells/Revells Terrace Amenity Reserve	Category A	Amenity Area	
Three Mile Hill Extension Ecological Area	Category A	Ecological Area	
Dillmanstown Amenity Reserve	Category A	Amenity Area	
Shamrock Extension Amenity Reserve	Category A	Amenity Area	
Milltown Amenity Reserve	Category A	Amenity Area	
Kaniere Ecological Area	Category A	Ecological Area	
Upper Totara Ecological Area	Category A	Ecological Area	
Doctor Hill Ecological Area	Category A	Ecological Area	
Kakapotahi Ecological Area	Category A	Ecological Area	

Land	Category A or B	Proposed purpose	Boundary documents
Saltwater Extension Ecological Area	Category A	Ecological Area	Area "A" SO Plan 11623, Westland Land District
Okarito Forks Ecological Area	Category A	Ecological Area	
Mokihinui Forks Ecological Area	Category B	Ecological Area	
Glasseye Creek Ecological Area	Category B	Ecological Area	
Nancy's Clearing Ecological Area	Category B	Ecological Area	
Shenandoah Amenity Reserve	Category B	Amenity Area	
Murray Creek Amenity Reserve	Category B	Amenity Area	
Waiuta Amenity Reserve	Category B	Amenity Area	
One One Creek Wildlife Management Reserve	Category B	Wildlife Management Area	
Pye Creek Wildlife Management Reserve	Category B	Wildlife Management Area	
Wanganui River Flat Wildlife Management Reserve	Category B	Wildlife Management Area	

Conservation Amendment Act 2010

Public Act	2010 No 14
Date of assent	19 April 2010
Commencement	see section 2

1 Title

This Act is the Conservation Amendment Act 2010.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act amended

This Act amends the Conservation Act 1987.

7 Transitional provision for application for licence with term not exceeding 10 years or permit

(1) This section applies to an application made under Part 3B of the principal Act, before the commencement of this Act, for—

(a) a licence with a term (including all renewals) not exceeding 10 years; or

(b) a permit.

(2) The application must be dealt with—

(a) as if this Act had not been enacted if, before the commencement of this Act, the Minister publicly notified his or her intention to grant the licence or permit:

(b) in accordance with the principal Act as amended by this Act in all other cases.

8 Transitional provision for application for concession if process initiated

(1) This section applies if, before the commencement of this Act, the Minister exercised a power under section 17ZG(2)(a) to initiate a process that relates to any application for a concession.

(2) The principal Act, as amended by this Act, applies to the process, and any application for a concession to which the process relates, which is made or proposed to be made on or after the commencement of this Act, must be dealt with accordingly.

Notes

1 General

This is a consolidation of the Conservation Act 1987 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41): section 294

Statutes Amendment Act 2025 (2025 No 74): Part 7

Resource Management (Consenting and Other System Changes) Amendment Act 2025 (2025 No 41): section 92

Te Ture Whakatupua mō Te Kāhui Tupua 2025/Taranaki Maunga Collective Redress Act 2025 (2025 No 1): section 127

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Civil Aviation Act 2023 (2023 No 10): section 486

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247): regulations 4, 5

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Privacy Act 2020 (2020 No 31): section 217

Conservation (Indigenous Freshwater Fish) Amendment Act 2019 (2019 No 55)

Conservation (Infringement System) Act 2018 (2018 No 61): Part 1

Ngāti Tūwharetoa Claims Settlement Act 2018 (2018 No 55): Part 4 subpart 7

Electronic Interactions Reform Act 2017 (2017 No 50): Part 4 subpart 1

Land Transfer Act 2017 (2017 No 30): section 250

Resource Legislation Amendment Act 2017 (2017 No 15): sections 200–205

Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 (2017 No 7): section 122

Wildlife (Powers) Amendment Act 2017 (2017 No 2): section 12(2)

Statutes Amendment Act 2016 (2016 No 104): Part 8

Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (2014 No 52): section 163

West Coast Wind-blown Timber (Conservation Lands) Act 2014 (2014 No 48): section 21

Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26): section 107

Game Animal Council Act 2013 (2013 No 98): section 41(2)

Conservation (Natural Heritage Protection) Act 2013 (2013 No 89): Part 1

Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8

Conservation Amendment Act 2013 (2013 No 15)

Legislation Act 2012 (2012 No 119): section 77(3)

Conservation Amendment Act 2012 (2012 No 61)

Search and Surveillance Act 2012 (2012 No 24): section 212

Criminal Procedure Act 2011 (2011 No 81): section 413

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3): sections 127(2), 128

Conservation Amendment Act (No 2) 2010 (2010 No 54)

Conservation Amendment Act 2010 (2010 No 14)

Walking Access Act 2008 (2008 No 101): section 82

Policing Act 2008 (2008 No 72): sections 116(a)(ii), 130(1)

New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 (2008 No 30): section 38

Protected Objects Amendment Act 2006 (2006 No 37): section 35

Conservation Amendment Act 2005 (2005 No 47)

Public Finance Amendment Act 2004 (2004 No 113): section 37(1)

Conservation Amendment Act 2004 (2004 No 105)

Foreshore and Seabed Act 2004 (2004 No 93): section 103(1)

Conservation Amendment Act 2003 (2003 No 65)

Gambling Act 2003 (2003 No 51): section 374

Local Government Act 2002 (2002 No 84): section 262

Royal New Zealand Foundation of the Blind Act 2002 (2002 No 3 (P)): section 28(1)

Human Rights Amendment Act 2001 (2001 No 96): section 70(1)

Conservation Amendment Act 2001 (2001 No 59)

Tutae-Ka-Wetoweto Forest Act 2001 (2001 No 48): section 14

Public Audit Act 2001 (2001 No 10): section 53

State-Owned Enterprises (Landcorp Farming Limited) Order 2001 (SR 2001/23): clause 4

Conservation Amendment Act 2000 (2000 No 56)

Forests (West Coast Accord) Act 2000 (2000 No 45): section 22

Archives, Culture, and Heritage Reform Act 2000 (2000 No 32): section 12

Hauraki Gulf Marine Park Act 2000 (2000 No 1): section 49

Animal Welfare Act 1999 (1999 No 142): section 194

Conservation Amendment Act 1999 (1999 No 30)

Land Transport Act 1998 (1998 No 110): section 215(1)

Ngāi Tahu Claims Settlement Act 1998 (1998 No 97): sections 272(1), 273(1), 274(1), (2), 305(1), (2)

Electricity Industry Reform Act 1998 (1998 No 88): section 100

Conservation Amendment Act 1998 (1998 No 33)

Ngāi Tahu (Tūtaepatu Lagoon Vesting) Act 1998 (1998 No 16): section 15

Waitutu Block Settlement Act 1997 (1997 No 84): section 18

Conservation Amendment Act (No 3) 1996 (1996 No 116)

Arbitration Act 1996 (1996 No 99): section 18

Survey Amendment Act 1996 (1996 No 55): section 5

Hazardous Substances and New Organisms Act 1996 (1996 No 30): section 149

Conservation Amendment Act (No 2) 1996 (1996 No 14)

Conservation Amendment Act 1996 (1996 No 1)

Waikato Raupatu Claims Settlement Act 1995 (1995 No 58): section 25

Conservation Amendment Act 1994 (1994 No 108)

Conservation Amendment Act (No 2) 1993 (1993 No 97)

Wildlife Amendment Act 1993 (1993 No 39): section 6

Historic Places Act 1993 (1993 No 38): section 118(2)

Conservation Amendment Act 1993 (1993 No 9)

Te Ture Whenua Maori Act 1993 (1993 No 4): section 362(2)

Electricity Act 1992 (1992 No 122): section 173(2)

Crown Research Institutes Act 1992 (1992 No 47): section 46(1)

Harbour Boards Dry Land Endowment Revesting Act 1991 (1991 No 104): section 14

Resource Management Act 1991 (1991 No 69): section 362

Sugar Loaf Islands Marine Protected Area Act 1991 (1991 No 8): section 12

Conservation Amendment Act 1990 (1990 No 106)

Conservation Act Commencement Order (No 2) 1990 (SR 1990/169)

Conservation Act Commencement Order 1990 (SR 1990/115)

New Zealand Walkways Act 1990 (1990 No 32): section 31(1)

Conservation Law Reform Act 1990 (1990 No 31): Part 1

Crown Forest Assets Act 1989 (1989 No 99): section 44

Public Finance Act 1989 (1989 No 44): sections 65R(3), 86(1)

Trade in Endangered Species Act 1989 (1989 No 18): section 55

Conservation Amendment Act (No 2) 1988 (1988 No 237)

Conservation Amendment Act 1988 (1988 No 131)

State-Owned Enterprises Amendment Act 1987 (1987 No 117): section 11(1)

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